

Dr. Ambedkar at the Round Table Conferences

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PART II

APPENDIX

Fifth Sitting—20th November 1930

NEED FOR POLITICAL POWER FOR DEPRESSED CLASSES

**Dr. B. R. Ambedkar:* Mr. Chairman, my purpose in rising to address this conference is principally to place before it the point of view of the depressed classes, whom I and my colleague, Rao Bahadur Srinivasan, have the honour to represent, regarding the question of constitutional reform. It is a point of view of 43,000,000 people, or one-fifth of the total population of British India. The depressed classes form a group by themselves, which is distinct and separate from the Mohammedans, and, although they are included among the Hindus, they in no sense form an integral part of that community. Not only have they a separate existence, but they have also assigned to them a statute which is invidiously distinct from the status occupied by any other community in India. There are communities in India, which occupy a lower and subordinate position; but the position assigned to the depressed classes is totally different. It is one which is midway between that of the serf and the slave, and which may, for convenience, be called servile with this difference, that the serf and the slave were permitted to have physical contact, from which the Depressed Classes are debarred. What is worse that this enforced servility and bar to human intercourse, due to their untouchability, involves, not merely the possibility of discrimination in public life, but actually works out as a positive denial of all equality of opportunity and the denial of those most elementary of civic rights on which all human existence depends. I am sure that the point of view of such a community, as large as the population of England or of France, and so heavily handicapped in the struggle for existence, cannot but have some bearing on the right sort of solution of the political problem, and I am anxious that this Conference should be placed in possession of that point of view at the very start.

The point of view I will try to put as briefly as I can. It is this that the bureaucratic form of Government in India should be replaced by a Government, which will be a Government of the people, by the people, and for the people. This statement of the view of the depressed classes I am sure will be received with some surprise in certain quarters. The tie that bounds the Depressed Classes to the British has been of a unique character. The Depressed Classes welcomed the British as their deliverers from age long tyranny and oppression by the orthodox Hindus. They fought their battles against the Hindus, the Mussalmans and the Sikhs and won for them this great Empire of India. The British, on their side, assumed the role of trustees for the depressed classes. In view of such an intimate relationship between

the parties, this change in the attitude of the depressed classes towards British Rule in India is undoubtedly a most momentous phenomenon. But the reasons for this change of attitude are not far to seek. We have not taken this decision simply because we wish to throw in our lot with the majority. Indeed, as you know, there is not much love lost between the majority and the particular minority I represent. Ours is an independent decision. We have judged of the existing administration solely in the light of our own circumstances and we have found it wanting in some of the most essential elements of a good Government. When we compare our present position with the one, which it was our lot to bear in Indian society of the pre-British days, we find that, instead of marching on, we are only marking time. Before the British, we were in the loathsome condition due to our untouchability. Has the British Government done anything to remove it? Before the British, we could not enter the temple. Can we enter now? Before the British, we were denied entry into the Police Force. Does the British Government admit us in the Force? Before the British, we were not allowed to serve in the Military. Is that career now open to us? To none of these questions can we give an affirmative answer. That the British, who have held so large a sway over us for such a long time, have done some good we cheerfully acknowledge. But there is certainly no fundamental change in our position. Indeed, so far as we were concerned, the British Government has accepted the social arrangements as it found them, and has preserved them faithfully in the manner of the Chinese tailor who, when given an old coat as a pattern, produced with pride an exact replica, rents, patches and all. Our wrongs have remained as open sores and they have not been righted, although 150 years of British rule have rolled away.

We do not accuse the British of indifference or want of sympathy. What we do find is that they are quite incompetent to tackle our problems. If the case was one of indifference only it would have been a matter of small moment, and it would not have made such a profound change in our attitude. But what we have come to realise on a deeper analysis of the situation is that it is not merely a case of indifference, rather it is a case of sheer incompetence to undertake the task. The depressed classes find that the British Government in India suffers from two very serious limitations. There is first of all an internal limitation, which arises from the character, motives, and interests of those who are in power. It is not because they cannot help us in these things but because it is against their character, motives and interests to do so. The second consideration that limits its authority is the mortal fear it has of external resistance. The Government of India does realise the necessity of removing the social evils which are eating into the vitals of Indian society and

which have blighted the lives of the downtrodden classes for so many years. The Government of India does realise that the landlords are squeezing the masses dry, and the capitalists are not giving the labourers a living wage and decent conditions of work. Yet it is most painful thing that it has not dared to touch any of these evils. Why? Is it because it has no legal powers to remove them? No. The reason why it does not intervene is because it is afraid that its intervention to amend the existing code of social and economic life will give rise to resistance. Of what good is such a Government to anybody? Under a Government, paralysed between two such limitations, much that goes to make life good must remain held up. We must have a Government in which the men in power will give their undivided allegiance to the best interest of the country. *We must have a Government in which men in power, knowing where obedience will end and resistance will begin, will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently call for. This ROLE the British Government will never be able to play,* It is only a Government which is of the people, for the people and by the people that will make this possible.

These are some of the questions raised by the Depressed Classes and the answers which in their view these questions seem to carry. This is therefore the inevitable conclusion which the Depressed Classes have come to: namely, that the bureaucratic Government of India, with the best of motives, will remain powerless to effect any change so far as our particular grievances are concerned. We feel that nobody can remove our grievances as well as we can, and we cannot remove them unless we get political power in our own hands. No share of this political power can evidently come to us so long as the British Government remains as it is. It is only in a Swaraj constitution that we stand any chance of getting the political power into our own hands, without which we cannot bring salvation to our people.

There is one thing, Sir, to which I wish to draw your particular attention. It is this. I have not used the expression Dominion Status in placing before you the point of view of the Depressed Classes. I have avoided using it, not because I do not understand its implications nor does the omission mean that the depressed classes object to India's attaining Dominion Status. My chief ground for not using it is that it does not convey the full content of what the Depressed Classes stand for. The Depressed Classes, while they stand for Dominion Status with safeguards, wish to lay all the emphasis they can on one question and one question alone. And that question is, how will Dominion India function? Where will the centre of political power be? Who will have it? Will the Depressed Classes be heirs to it? These are the questions that form their chief concern. The Depressed Classes feel that they will get no shred of

the political power unless the political machinery for the new constitution is of a special make. In the construction of that machine certain hard facts of Indian social life must not be lost sight of. It must be recognised that Indian Society is a gradation of Castes forming an ascending scale of reverence and a descending scale of contempt—a system which gives no scope for the growth of that sentiment of equality and fraternity so essential for a democratic form of Government. It must also be recognised that while the intelligentsia is a very important part of Indian society, it is drawn from its upper strata and although it speaks in the name of the country and leads the political movement, it has not shed the narrow particularism of the class from which it is drawn. In other words what the Depressed Classes wish to urge is that the political mechanism must take account of and must have a definite relation to the psychology of the society for which it is devised. Otherwise you are likely to produce a constitution which, however symmetrical, will be truncated one and a total misfit to the society for which it is designed.

There is one point with which I should like to deal before I close this matter. We are often reminded that the problem of the Depressed Classes is a social problem and that its solution lies elsewhere than in politics. We take strong exception to this view. We hold that the problem of the Depressed Classes will never be solved unless they get political power in their own hands. If this is true, and I do not think that the contrary can be maintained, then problem of Depressed Classes is I submit eminently a political problem and must be treated as such. We know that political power is passing from the British into the hands of those who wield such tremendous economic, social and religious sway over our existence. We are willing that it may happen, though the idea of Swaraj recalls to the mind of many of us the tyrannies, oppressions and injustices practised upon us in the past and fear of their recurrence under Swaraj. We are prepared to take the inevitable risk of the situation in the hope that we shall be installed, in adequate proportion, as the political sovereigns of the country along with our fellow countrymen. But we will consent to that on one condition and that is that the settlement of our problems is not left to time. I am afraid the Depressed Classes have waited too long for time to work its miracle. At every successive step taken by the British Government to widen the scope of representative Government the Depressed Classes have been systematically left out. No thought has been given to their claim for political power. I protest with all the emphasis I can that we will not stand this any longer. The settlement of our problem must be a part of the general political settlement and must not be left over to the shifting sands of the sympathy and goodwill of the rulers of the future. The reasons why the Depressed Classes insist upon it are obvious. Every one of us knows that the man in possession

is more powerful than the man who is out of possession. Everyone of us also knows that those in possession of power seldom abdicate in favour of those who are out of it. We cannot therefore hope for the effectuation of the settlement of our social problem. If we allow power to slip into the hands of those who stand to lose by settlement unless we are to have another revolution to dethrone those, whom we today help to ascend the throne of power and prestige. We prefer being despised for too anxious apprehensions, than ruined by too confident a security, and I think it would be just and proper for us to insist that the best guarantee for the settlement of our problem is the adjustment of the political machine itself so as to give us a hold on it, and not the will of those who are contriving to be left in unfettered control of that machine.

What adjustments of the political machine the Depressed Classes want for their safety and protection I will place before the Conference at the proper time. All I will say at the present moment is that, although we want responsible Government, we do not want a Government that will only mean a change of masters. Let the Legislature be fully and really representative if your Executive is going to be fully responsible.

I am sorry Mr. President. I had to speak in such plain words. But I saw no help. The Depressed Classes have had no friend. The Government has all along used them only as an excuse for its continued existence. The Hindus claim them only to deny them or, better still, to appropriate rights. The Mohammedans refuse to recognise their separate existence, because they fear that their privileges may be curtailed by the admission of a rival. Depressed by the Government, suppressed by the Hindu and disregarded by the Muslim, we are left in a most intolerable position of utter helplessness to which I am sure there is no parallel and to which I was bound to call attention.

Regarding the other question, which is set down for discussion, I am sorry it was decided to tag it on to a general debate. Its importance deserved a session for itself. No justice can be done to it in a passing reference. The subject is one in which the Depressed Classes are deeply concerned and they regard it as a very vital question. As members of a minority, we look to the Central Government to act as a powerful curb on the provincial majority to save the minorities from the misrule of the majority. As an Indian, interested in the growth of Indian nationalism, I must make it plain that I am a strong believer in the Unitary form of Government and the thought of disturbing it I must confess does not please me very much. This Unitary Government has been the most potent influence in the building up of the Indian nation. That process of unification, which has been the result of a unified system of Government, has not been completed and I should be loathed to withdraw

this most powerful stimulus in the formative period and before it has worked out its end.

However, the question in the form in which it is placed is only an academic question and I shall be prepared to consider a federal form, if it can be shown that in it local autonomy is not inconsistent with central unity.

Sir, all that I, as a representative of the depressed classes, need say on their behalf I have said. May I crave your indulgence to permit me as an Indian to say a word or two generally on the situation, which we have to meet. So much has been said regarding its gravity that I shall not venture to add a word more to it, although I am no silent spectator of the movement. What I am anxious about is to feel whether we are proceeding on right lines in evolving our solution. What that solution should be rests entirely upon the view that British delegates choose to take. Addressing myself to them I will say, whether you will meet the situation by conciliation or by applying the iron heel must be a matter for your judgement for the responsibility is entirely yours. To such of you as are particular to the use of force and believe that a regime of LETTERS DE CACHET and the Bastille will ease the situation, let me recall the memorable words of the greatest teacher of political philosophy, Edmund Burke. This is what he said to the British nation when it was faced with the problem of dealing with the American colonies:

" The use of force alone is but temporary. It may endure for a moment, but it does not remove the necessity of subduing again; a nation is not governed which is perpetually to be conquered. The next objection to force is its uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource; for conciliation failing, force remains, but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence. A further objection to force is that you impair the object by your very endeavours to preserve it. The thing you fought for (to wit the loyalty of the people) is not the thing you recover but depreciated, sunk, wasted and consumed in the contest."

The worth and efficacy of this advice you all knew. You did not listen to it and you lost the great continent of America. You followed it to the lasting good of yourself and the rest of the Dominions that are with you. To such of you as are willing to adopt a policy of conciliation I should like to say one thing. There seems to be prevalent an impression that the Delegates are called here to argue for and against a case for Dominion Status and that the grant of Dominion Status will be dependent upon which side is the victor in this battle of wits. With due deference to all who are sharpening their wits, I

submit that there can be no greater mistake than to make the formula of logic govern so live an issue. I have no quarrel with logic and logicians. But I warn them against the disaster that is bound to follow if they are not careful in the selection of the premises they choose to adopt for their deductions. It is all a matter of temper whether you will abide by the fall of your logic, or whether you will refute it, as Dr. Johnson did the paradoxes of Berkeley by trampling them under his feet. I am afraid it is not sufficiently realised that in the present temper of the country, no constitution will be workable which is not acceptable to the majority of the people. The time when you were to choose and India was to accept is gone, never to return. Let the consent of the people and not the accident of logic be the touchstone of your new constitution, if you desire that it should be worked.

2

COMMITTEE OF THE WHOLE CONFERENCE

Comments on the Interim Report of Sub-Committee No. I (Federal Structure)—16th December 1930

Dr. Ambedkar: I should like to raise the point, which my friend Mr. Joshi made before we adjourned. The Lord Chancellor, as the Chairman of this Sub-Committee, invited some of the delegates to submit any views they might have on these particular matters, and a few delegates including myself submitted a letter to the Chairman of the Sub-Committee, and expressed our wish that that letter should be submitted to the Sub-Committee for consideration. I do not find in the Report any reference to that letter, and I was informed by Lord Sankey that that letter was not placed before the Sub-Committee, but was sent to you, Sir, as Prime Minister. I do not think that that was quite a proper way of dealing with it. The letter was submitted to the Chairman of the Sub-Committee, for the Sub-Committee's use and it expressed certain definite views we held on the question of Federation. I am bound to make this comment because, speaking for myself, the Report as drawn up is so much at variance with the principles expressed in the letter that I find we shall have at some stage to raise a debate on this question, and I should like to know what steps the Lord Chancellor proposes to take.

Lord Sankey: I am very much obliged to Dr. Ambedkar for raising the point he has done, because I should have liked to have raised it myself, and it gives me the opportunity of saying a few words which I should have said at the beginning..... This is not a complete picture..... soon you are going to be presented with the complete picture, and Dr. Ambedkar, I shall want your assistance,Now with regard to the letter. Dr. Ambedkar, that you were good enough to send to me, I have considered it very carefully, and it will be

vital to discuss it when we come to No. 6. §

Dr. Ambedkar: All I should like to know, if I may say so, is whether you will place that letter before the Committee. At what stage you may do so is a matter which I must leave to you.

Lord Sankey: One moment, Dr. Ambedkar. I am going to do a good deal more than that; I am not only going to place your letter before the Committee. I am going to draw the Committee's attention to it myself.

Dr. Ambedkar: I am obliged. That is enough for me.

Lord Sankey: One moment. I have not finished. When you are as old as I am, you will not be in such a hurry. Instead of having to do the job myself, I personally should very much take the gentlemen who presented the letter to come and do the job. If I have to do it myself, I shall not do it as well as you gentlemen would. But I will do this : not a word of the letter shall be left out; but it is not quite the time to consider it yet, because it must be considered at that important time when we come to No. 6.

Comments on paragraph 16 of the Report, which dealt with Governor-General's special power

Dr. Ambedkar : Sir, before you proceed, I should like to make it plain that the power given to the Governor-General to intervene to avoid serious prejudice to the interests of any section of the population must remain. The power must be embodied in the constitution in the same form as under section 93 of the Canadian Constitution.

Lt. Col. Gidney: Sir, I agree with and support everything that Dr. Ambedkar has said about the Governor-General having reserved power in such matters as he has mentioned.

Chairman: Paragraph 34. I call on Col. Gidney.

Lt. Col. Gidney: I have one observation to make on this paragraph and I do so in conjunction with paragraph 29. Whereas in paragraph 29 a population ratio is to be adopted in estimating the representation of various communities in the upper chamber, in this paragraph 34, you use the word " possibly " which still further closes the door to minorities and special interests even to get a single representative in the upper chamber. I would suggest that that word " possibly " be deleted from this paragraph and the other words following, " and certainly in the Lower Chamber " be also deleted, as that the reconstructed paragraph will read:

" Provision should be made for the representation in both chambers, however small this representation be "

I think all the minority communities have every entitlement to representation in the upper house, however small it be.

Dr. Ambedkar: I associate myself with what Col. Gidney has said. (Paragraph 34 dealt with representation of special interests and of the Crown in Federal Legislature.)

4

**IN SUB-COMMITTEE No. II
(PROVINCIAL CONSTITUTION)**

First Sitting-4th December 1930

Dr. Ambedkar: I propose to divide my remarks under three heads : (1) provincial autonomy, (2) responsibility in the provinces, (3) provincial services. I make a distinction between provincial autonomy and provincial services. It seems to me that the question of provincial autonomy raises the definition of the relations of the provincial Executive and Legislature *vis-a-vis* the Central Government and the Central Legislature. The first remark I would offer with the attitude of those who hold that the time has arrived when the provincial Governments ought to be left with as complete an autonomy as is possible under the circumstances, and they should be free from such control as the Central Government now exercises. But, Sir, I cannot help making this further observation, that viewing the problem of provincial autonomy from the standpoint of the particular class I represent in this Conference and of the interests of India as a whole and the working classes in particular, I think that in any future constitution that we propose to devise for endowing the Provinces with provincial autonomy we must take into consideration certain facts which are bound to limit the character of that autonomy.

The first limiting factor in the provincial autonomy is that it must be made subject to such questions of a provincial character which are, although provincial in nature, also of an All-India character. The Provinces may have their say with regard to these subjects, and yet the Central Government should not be excluded from its jurisdiction with regard to them. For instances, I would like to draw an illustration from labour legislation, legislation affecting tenants and affecting agriculture. These, no doubt, in a country like India, must become provincial subjects yet I do not think they can be viewed entirely from such a small compass. They cannot be regarded as entirely provincial and without an All-India character. The Central Government must have some jurisdiction over subjects of this character, notwithstanding that it cuts across provincial autonomy.

Secondly, I should state that in dividing the powers of Government between the Central and the Provincial Governments in the future constitution of India with a view to giving the Provinces as complete an autonomy as possible, it will also be necessary that such powers as remain undefined must be left with

the Central Government. Well, I do not think that there is no other view on that point. But I say that in the present situation in India, where the separatist tendency exists to such an extent as we all know it. where provincial and local parochialism is more dominant than national feeling, while we are building up a Federated India with complete autonomy of the units, we still have the problem of making India as a whole a strong and united country. I would make this further observation, namely, that I do not think that the reservation of powers in the Central Government is likely to affect the autonomy of the Provinces. The reservation of powers as interpreted by the Judicial Committee of the Privy Council in the case of Canada has not had this overriding effect. It means a power that comes into existence in an emergency in a field not specifically allotted to the Provinces. I do not think that the Provincial autonomy should be really affected.

The second thing I should like to observe in connection with this question of Provincial autonomy is that that autonomy must be limited by the affording of protection for the interests of the minorities and of the Depressed Classes. As I visualise the situation in India as it will result from the new constitution, I find there will be certain Provinces in which some communities will be in a majority, but in all the Provinces the Depressed Classes, whom I represent, will be in a minority. They will be in a minority in every Province. I cannot understand how we can at this state permit the Provincial majorities to have a complete uninterrupted and undiluted sway over the destinies of these poor people, without any right of appeal being given to the latter in regard to mal-administration or neglect of their interests. There must be some authority somewhere, over and above the Provincial Government, which will be in a position to intervene and rescue them from any adverse position in which they may be placed by the Provincial majorities.

These are the three things, which, in my opinion at any rate must limit the autonomy of the future Provincial Governments of India.

Coming to the question of the character of responsibility in the Provincial Governments, my first observation is that the whole question of responsibility in the Provincial Legislature is entirely dependent upon the kind of Legislature that you are going to get in the Provinces. If the Legislature that you are going to get in the Provinces is a Legislature which is going to be a mirror of the whole population of the Province, if it is going to be thoroughly representative and not merely representative as a museum is, where there are a few specimens of every species for the observation of the general onlooker; if every minority and every class which fears its existence will be jeopardised is placed on a position to make its influence felt, then I think in a Legislature of that sort there will be no harm in conceding the principle that Provincial

responsibility may be introduced to the fullest extent. That is my first observation.

Making that a condition that the Legislatures shall be fully and adequately representative of all the classes, I see no objection to the subjects, which are now, reserved being transferred to popular control.

Coming to the question of whether the responsibility in the Provinces should be joint or should be individual I have not the slightest hesitation in saying that the responsibility not only should be joint but must be joint. I have been a member of Legislative Council, and I have seen how Ministries in the Provinces have worked. It has been a most painful experience for me, as it has been the experience, I believe, of many of those who have had the misfortune or the good fortune to be members of a Legislative Council, to find that Ministries have been working as a kind of loose confederation, without having any complete or unanimous view on a particular policy which they adopted. There have been divided counsels, and cases of Ministers not being very willing to support each other.

What has been the result? The result is this, that in no instance have we had any considered policy put forward by the Cabinet as a whole, worked out in detail and placed before the Legislative Council. Things have been done by fits and starts, and I do not think we want our responsibility in future to be bungled in that fashion.

Turning now to the question of communal representation in the Cabinets, I must confess that I am not very much drawn to the suggestion, which is often made that there should be communal representation in the Cabinet. I am not, of course, oblivious of the fact; in fact, I am very conscious of it that if the minority communities are not represented in the Cabinet it is very possible, and even very likely, that in matters of administration which affect their daily lives their interests may be affected very prejudicially by the policy of Ministers whose dominant interest is communalism. I do not forget that for a moment, but my submission is that there is a better way of dealing with that sort of evil, and it seems to me that if the minorities could get constitutional and statutory guarantees laid down in the Constitutional Act itself against anything likely to injure their interests being done or left undone by the Cabinet, the danger which most of us apprehend from the fact that the Cabinets may be communally dominated, will vanish, and we shall not have much cause to insist on communal representation in the Cabinet. Although I am very desirous that the Chief Minister, whoever he is, should recognise or should be made to recognise the interest of having most of the important minorities represented in the Cabinet, we cannot for the moment forget that, after all, a Cabinet office is a very responsible office. A Cabinet Minister has

not merely to look after the interests of the minorities; he has to see to the safety and interest of the Province as a whole. That demands ability and competence; it does not merely demand a communal outlook, and it is from that point of view that I look at the matter. I should like to have the interests of the minorities and the Depressed Classes safeguarded in such a manner that constitutionally it would be impossible for Ministers drawn from the majority communities to do anything prejudicial to the minorities or to neglect their interests.

Coming to the question of the relations between the Governor and his Ministry, I think one thing is obvious, namely that no constitution, if it is really to embody full responsible Government and collective responsibility, can permit the Governor the power to interfere in the day-to-day administration of the country. That would run quite across the system of responsible Government and collective responsibility. The Ministry must be allowed to carry on the day-to-day administration on the basis of joint responsibility.

When we come to the question of the emergency powers which it is suggested should be left with the Governor. I find myself in a somewhat difficult position, because I do not understand exactly what is meant. Is it meant that when an emergency arises the Governor should simply dismiss the Ministry and have nothing to do with it, and should promulgate whatever laws, ordinances or measures he thinks are necessary to meet the situation, notwithstanding the fact that they are opposed by the Ministry? I do not know what is wanted. I can quite understand the Governor should have the absolute, undoubted and unrestricted power of dismissing a Ministry which he thinks is not acting in the best interests of the country, but I cannot understand how there can be responsible Government in a Province in which the Governor is allowed to do a thing without a Ministry. It is one thing to say that the Governor should have a Ministry with which he agrees in a particular emergency, but it is quite a different thing to say that when an emergency arises the Governor should simply disregard the Ministry altogether. I think this point will have to be worked out in some deal, for, as I say, I do not quite understand it.

Coming to the question of the Services, there is one observation I am bound to make. I quite agree in principle that with provincial autonomy the power of regulating the Services in a Province should belong to that Province, and that the Provinces should have full liberty to Indianise the Services as they desire and according to their means and circumstances. The observation which I feel bound to make, however, is this: I cannot forget that Indians are communal minded. We do hope it is only a hope that a time will come when all Indians will cease to look at problems from a communal point of view in

administering matters which are left to their charge, but that is only a hope; it is not a fact. The fact is that Indians do discriminate between class and class, community and community, in administering such discretion as is left to them in their administration of the law. That is a fact I cannot get over ; it is a fact from which I have suffered immensely. My fear with regard to the future constitution of India is that having regard to the present position of the depressed classes, having regard to the fact that education is not widely spread amongst them, and having regard to the fact that there is hardly a single individual holding a gazetted post in the Bombay Presidency for instance,—

A Member: There is one.

Dr. Ambedkar : Yes, there is one, and that is the exception, which proves the rule. You know how much trouble I had to get him in. I very much fear that this Indianisation may work out as a tyranny, and therefore, from my particular point of view, I should like to emphasise that at any rate for some time it will be necessary to maintain a British element in the Services. I do not say there should be no Indianisation, but I do say that, having regard to our interests, it should be rather slower than some people desire it to be.

These are the general remarks that I wish to offer from our point of view.

Third Sitting— 8th December 1930

Dr. Ambedkar: May I make a suggestion ? It seems to me this question of Second Chambers is so important that it cannot be discussed properly and adequately by being tacked on to the series of heads we are now discussing. In my opinion a special day ought to be allotted to this subject. I see very little connection between the subject of Second Chambers and that of the protection of minorities, or any of the other matters enumerated in items 1 and 2. It seems to me this is a very important question. I find nothing in this list of heads dealing with the composition of the Legislature; if you were to add a head " Composition of the Legislature" we should have a proper opportunity of discussing the whole subject.

Chairman: I cannot see how you can separate this whole subject and split it up.

Dr. Ambedkar: The question of Second Chambers can certainly be separated from that of minorities.

Chairman: Not entirely. Whether there is to be a Second Chamber or not affects almost every other subject that comes up, the powers of the Governor *vis-a-vis* the Executive and the Legislature, the powers of the Legislature and so on. I think you had better let us go on, and if at the end we find the discussion has not been adequate, we will try to arrange for a further

discussion on this subject by itself.

Fourth Sitting—9th December 1930

Dr. Ambedkar : It may be. But I am taking these two communities for the moment because they are important. It seems to me that any argument, which is based upon that fact is an argument, which leads to a conclusion which, will never enable us to transfer law and order. Therefore it seems to me that that is an argument which ought not to be adopted or accepted. It seems to me also that the noble Marquess assumes that although a Mohammedan or a Hindu will be in charge of the department of law and order, he will be entirely subject to the whims of the particular community to which he belongs. My submission, Sir, is this, that assumes that the future of political parties in India will be so constituted that they will be divided on religious lines and not on the lines of political or economic differences. As I view the situation it seems to me that in the future constitution of India the Executive will be so divided that we shall see less of the religious and racial distinctions coming to the surface and we shall find a Hindu Minister having a party and a following containing a large element of Mohammedans, and a Mohammedan Minister with a following of Hindus in his group, if that happens, and I take it is almost a certainty that it will happen, I do not understand how, for instance, a Hindu Minister who is in charge of law and order could administer law and order in such a manner as to offend the susceptibilities of a part of the group which supports him in office. It seems to me therefore that the fears so far as this particular aspect of the matter is concerned are rather unfounded.

The second thing which seems to be agreed upon more or less is this, that not only should the Executive be a unified Executive but that the responsibility of this unified Executive should be joint and not several. With these conclusions, Sir, I agree, but the points of difference that have arisen in the course of the debate to which we have listened largely relate to the composition of the Executive and it seems to me that there arise three different questions for our consideration in connection with the composition of the Executive. The first question is : should the Executive be confined to members of the Legislature or should it be open to individuals who are officials or non-officials and who are outside the Legislature ? The second question is: should it consist of members of the minority communities? The third question is: whether the Governor should have the responsibility of appointing the Ministers himself or whether he should appoint the Chief Minister and leave the matter of the selection of his colleagues to that Chief Minister.

Now, Sir, on all these three questions my answer is in the affirmative. Personally, I do not see why the membership of the Cabinet should be rigorously restricted and confined to the members of the Legislature. I also do not see why there should not exist some provisions whereby the Executive should not be made as representative as possible of all the communities that are represented in the Legislature. Thirdly, regarding the power of the Governor to compose his Ministry, it seems to me that we must admit that it is his prerogative right to constitute the Ministry and that you must have discretion left to him in the matter of selecting his men. But, Sir, when I say that I answer these three questions in the affirmative, namely, that the Executive need not be confined to the members of the Legislature, that some provision should exist whereby different communities may be represented in the Cabinet, and that the Governor should have left with him abundant discretion in order to form his Cabinet, I say when I make these admissions I make them subject to one supreme condition. That supreme condition is that however the Executive is composed, it shall abide by one principle, namely that it shall accept joint responsibility. If, for instance, this principle of joint responsibility is made obligatory upon the Executive, it seems to me that the importation of a foreign element into the Cabinet will not be a disturbing factor as it is supposed to be. If, for instance, the new-comer who does not belong to the Legislative Council comes into the Cabinet and accepts joint responsibility along with the Cabinet, I do not see any reason why such a procedure should not be permitted. It was pointed out that it may so happen that when a Ministry is censured and it goes out, the official or the one who does not belong to the Legislature will remain while the other members of the Cabinet will go out; that when a new Ministry is formed, he will be again tacked on to the Ministry and that he will be perpetually in the Council. It seems to me with all respects that that is a somewhat fallacious view, because, unless the members who are drawn from the Legislature to form the Ministry are prepared to take him along with them and are prepared to bear the responsibility of his actions, they will not consent to work with when he accepts their advice and they accept his advice. If, for instance, a Prime Minister were so situated that he could safely take an outsider into his Cabinet and at the same time maintain the confidence of the House, I do not see why the Chief Minister should be prevented from having that privilege accorded to him.

In the same way, Sir, if, for instance, it was found possible that the Governor should have powers to see that the different minority communities are represented in his Cabinet, and if at the same time it is made perfectly clear that whoever is appointed to the Cabinet must accept joint responsibility with

the others, then I submit there is no harm in allowing this sort of thing. It seems to me therefore that the point which it is necessary to emphasise is that the Governor may have the power which as I say belongs to him as of right to compose the Ministry in any way he likes provided that the Ministry does not violate in its operation the principle of its being, namely, that it is to work on the principle of joint responsibility.

Now the next question to which I will address myself, Sir, is how best to achieve this result, how best to bring out a responsible and unified Executive. It seems to me there are two ways open to us. One way is to define in the constitution itself the character of the Executive by law; the other is to leave to convention the constitution of the Executive. Both these ways are adopted, as you all know. We all know that in the Dominions of Canada, South Africa and Australia, responsible Government of a unified character is entirely a matter of convention. Everyone of us knows that in the Canadian Act or in the Acts of South Africa or Australia the words "responsible Government" do not arise. It is not even mentioned in the Canadian Act, as I found to my great surprise, that the Ministers who are to advise the Governor are to be members of the Legislature, although as a matter of fact they are. On the other hand, as we know, in the constitutions of Ireland, Malta and Rhodesia this is a subject which is not left to convention, it is something which is incorporated in law. In Ireland we know that the Prime Minister is a creature of statute, the joint responsibility is also defined by law.

I therefore think that we shall have to make our choice between the two, and in making the choice I for one would be guided by two considerations. I fully realise that when a matter is left to convention it is possible that the convention may be wrongly worked, that it may be abused, and may be abused with impunity. The danger of matters being left to convention in a country like India seems to me to be greater because there are no parties in India which have a keen eye on the way in which the constitution works and we may have Ministers less interested in working the constitution in the right spirit than in maintaining their seats in the Cabinet. On the other hand it seems to me that where matters are defined by law it must necessarily take away all the discretion that must necessarily be left to a Governor. In a country like India where the political field with all its communal and racial difficulties is an absolutely uncharted sea, it seems to me that we must so contrive that sufficient discretion will be left with the Governor. My concrete suggestion therefore is this, that joint responsibility of the Executive should be prescribed by law and that everything else should be left to the discretion of the Governor, so that we shall have satisfied both the conditions : we shall have provided that whatever responsibility there is, is joint responsibility and

that the composition of the Executive is at the same time not hampered in such a manner that the communities which do require to be represented in the Cabinet may be represented or that the necessity which Prime Minister may feel of having a non-official, I mean an outsider, in his Cabinet is provided for. If we do that, if we insist by law, not leaving it to the discretion of the Governor, that the Executive shall be a joint Executive with joint responsibility, I think all other matters may be left without any fear of abuse to the choice of the Governor.

Now Sir, the next topic which I will take for consideration is that of the powers of the Governor *vis-a-vis* his Executive. The present relations between the Governor and the Minister, as well we all know, are defined in section 52, sub-clause 3. That clause says that in all transferred matters—and all matters will now be transferred, none being reserved—the Governor shall be guided by the advice of his Ministers ; and it adds a further proviso that if he sees sufficient cause to dissent from the advice of his Ministers he may cause action to be taken otherwise than in accordance with that advice. With all due respect to those who framed that clause, and they did it with the best intention of providing responsible Government, I cannot help saying that this clause as it now stands is a perversion of responsible Government; it makes responsible Government a matter of convenience, a matter which may be accepted and followed when it suits the Governor, whereas as a matter of fact what we want is that responsible Government should be a matter of obligation. If responsible Government means anything it means this, that in whatever action the Governor takes in any field he has the support of a Ministry which has the confidence of the House. That is a fundamental proposition which we cannot ignore. It does not of course mean that a Governor must always accept the advice of his Ministry; it leaves it open to the Governor to throw out the Ministry, to say he will not abide by their advice; but then if the Governor chooses to differ from his Ministry his obligation is not to act on his own initiative but to find some other Ministers who will support his action. So that the proposition is that at all times when the Governor takes action he takes action which is in conformity with the views of Ministers who have the confidence of the House. My submission therefore is that this clause, namely section 52, must be so altered as to make it plain that unless specific provision is made to the contrary by statute there may be cases which, I will come to a little later, the Governor shall always act upon the advice of the Ministers.

Now, Sir, I do readily agree that there may be cases in which it is necessary to provide the Governor with over-riding powers, powers in respect to which he will not be obliged to follow the advice of his Ministers but will have the

right of independent action. Those cases are mentioned in paragraph 50, page 36 of Volume 2 of the Report of the Simon Commission. The first is that he should have over-riding powers in order to preserve the safety and tranquillity of the Province; secondly, he should have over-riding powers in order to prevent serious prejudice to one or more sections of the community as compared with other sections; and then lastly it mentions certain cases where the Governor may have fixed upon him specific responsibility as apart from the responsibility of the whole of the Executive, in which case it says that he should also have over-riding powers.

With regard to these items my first submission is this, that if you are going to give the Governor to over-ride his Ministers to preserve the peace, safety and tranquillity of the Province, it seems to me you are taking away a very large part of responsible Government in the Provinces. After all, what we are striving for is that the Provinces shall be governed in all matters, including even the peace, safety and tranquillity of the Province, by a Governor on the advice of his Ministers; and, if you reserve powers to the Governor to act contrary to their advice, it seems to me you are to a very large extent nullifying the powers of responsible Government. I should not, therefore, give the Governor over-riding powers in a matter of this sort, unless some way could be found whereby this large formula, which seems to me to eat-up the whole situation, might be very narrowly defined.

Coming to the other question, namely prejudice to one section of the community as compared with the others, my own view is that although this is a very salutary thing my preference is that such matters as are likely prejudicial to affect the interests of any particular community should be governed by statute; it should not be left to the sweet will of the Governor. I say that for this very good reason. After all, a Governor has to keep in touch with a Cabinet which is supported by a majority in the Legislature. He can never work at cross purposes with the Cabinet; the greatest amity must prevail between them, and I am not sure the Governor would always be so minded as to quarrel with a Cabinet which represented a majority in the House merely in order to protect a minority which, in his eyes, might not be very important. Although, therefore, I agree with the underlying suggestion there. I rather prefer that the interests of the minorities should be protected in a firmer manner than is suggested, and for myself I should be prepared to delete this clause.

Regarding the other items 3, 4 and 5, I agree that in cases of this sort the Governor must have over-riding powers, because they are cases where he personally is made responsible for the administration of those subjects.

Coming to the next subject, the powers of the Governor *vis-a-vis* the

Legislature, I will divide my remarks under three heads. There is first of all budgetary legislation; secondly, ordinary legislation and thirdly, emergency legislation. The Governor has today powers of certification with regard to the provision for reserved subjects, and that will necessarily go with the abolition of anarchy. Secondly, the Governor has authority to authorise expenditure for the safety and tranquillity of the Province. It seems to me that if you are going to leave questions of peace and tranquillity to be settled by a responsible ministry, the Governor should not possess this power of authorising expenditure for the safety and tranquillity of the Province. In the next place, he has the power of certifying Bills, which are of two sorts. He may certify that a particular Bill which is being discussed in the Legislature shall not be discussed because it affects the safety and tranquillity of the Province, and he has also the power to certify a Bill which is in the interests of the safety and tranquillity of the Province even though the Legislature may not desire to pass it in the ordinary course. It seems to me both these powers should go; they will not be necessary in the future constitution of India.

He has also powers of previous sanction; certain subjects have to be previously sanctioned by him before they can be discussed, and in my opinion this power should go.

Sir Ahmad Sayed Khan: Discriminatory legislation ?

Dr. Ambedkar : That should be dealt with by Statute ; I should not leave it to the Governor. The Governor must have the power of veto, and in view of the fact that there will be no Second Chamber in those Provinces which do not want it, it is very necessary that the Governor should have the power of veto. The Governor today has also the power of returning a Bill to the House for reconsideration. This is a very useful power which exists in the constitutions of the various Dominions, and I think it should be retained. The Governor has also power to reserve a Bill for the consideration of the Governor-General and the cases in which he should do so are defined by Statute. That is a matter, I think which might be more conveniently considered when we consider the relations of the Provincial Governments to the Central Government, but I should like to make one observation on this subject. We should so endeavour to contrive our Provincial constitution that it will function independently, as far as possible of the interference of the Central Government in those domains which have been transferred to its control. We must make a constitution under which there will be no occasion for constant intervention by the Central Government, either administratively or legislatively by the reservation of Bills.

With regard to the question of safeguards for Law and Order and for minorities, I have already stated that Law and Order should be transferred, but I am prepared to make one suggestion, for what it is worth. In cases of

emergency, when Law and Order are being jeopardised, I suggest the Governor should have power to pass orders finally, without respect to the advice of the Ministry, regarding the posting and transfer of Police officers. I think that is very necessary; it is essential.

Sir Cowasji Jehangir: In case of emergency only ?

Dr. Ambedkar: Yes, but not in other cases.

Mr. Paul: Not in normal times ?

Dr. Ambedkar: Not in normal times, no, but in cases of emergency when a riot has taken place or a disturbance has occurred, it is very necessary that an impartial officer like the Governor, who is not swayed by what is happening in the Cabinet, should have the ultimate power to see that people are not transferred from one place to another to suit one community or the other community when a riot is actually proceeding. It seems to me that it gives him sufficient power for the purpose of safeguarding the administration of Law and Order.

With regard to the question of minorities, it was suggested by some speakers that a Second Chamber would afford protection to minorities, and my friend Mr. Wood threw out the suggestion that I had not carefully considered the position of the Depressed Classes in relation to a Second Chamber. I should like to assure my friend that I have given the matter most careful consideration, and I thoroughly agree with my friend Mr. Paul that these Second Chambers, far from being a protection to minorities, will be really milestones round their necks.

There is one subject I did not touch on before, but which I should like briefly to mention now, namely, the relation of the Governor to his Cabinet. Should he preside over the Cabinet as a matter of right or should he not ? Should there be the system which prevails in this country where the Cabinet holds its meetings without the King being there, and if so what should be the means of communicating the results and decisions arrived at by the Cabinet to the Governor? I do not know if that arises on this item; if it does not, I will not waste time in discussing it.

Chairman: We have generally discussed the whole question, so that if you desire to continue I shall not object.

Dr. Ambedkar: In that connection I want to say one thing. The Simon Commission has suggested that a Cabinet Secretary should be appointed who would be of the same status as an I.C.S. Officer, and who would act as the liaison officer of the Cabinet to the Governor. In throwing out that suggestion the Commission says it has drawn on the practice that has now become prevalent in this country, namely, that the Cabinet now always has a Secretary, which formerly it did not have. I should like to submit, however,

that it is one thing to say that the Cabinet should have a Secretary, but it is a totally different thing to say that that Secretary should have access to the Governor over the heads of the Ministers. In this country the practice does exist, probably, of appointing a Secretary, but I do not think any Cabinet or Prime Minister in this country would consent to that Cabinet Secretary having access to His Majesty over the heads of the Ministers or over the head of the Prime Minister; such a thing would be intolerable. We know that in this country the Cabinet throughout all its history has laid emphasis on the fact that the persons who will be near to His Majesty should be persons who will bear the same complexion as the Ministry, and we know that that has been carried so far that even the Ladies of the Chamber who wait upon the Queen are required to be nominated by the Prime Minister and the Cabinet. The situation suggested, therefore, seems to me almost impossible. I do not think any Cabinet which is working on the principle of joint responsibility will consent to have a Secretary of this kind attached to it.

On the other hand, if the Governor is given the power to preside over the Cabinet when it is discussing its policy, I doubt very much whether that will work, because although the Ministry may, and indeed must, communicate to the Governor the decisions at which it has arrived, I do not think the Ministry will consent to disclose to the Governor the reasons which have led it to come to those decisions. The reasons may be very particular and very delicate, and you all know that the Cabinet is very jealous not to let the Governor know the reasons why it has arrived at a particular decision. The explanation of that is that the Governor holds in his hands a tremendous power for undoing the Ministry for he may not agree to the Ministry's advice to dissolve the House, but may instead of being embodied in a Statute, the matter should be left to the Instrument of Instructions, which may provide that the Governor can attend if he desires to do so, but it should not be obligatory at all. On the other hand, it should be made obligatory for the Cabinet to communicate to the Governor all the recommendations at which it arrives at its meeting. That is all I desire to say on that point.

Dr. Ambedkar : We should like to say one thing on that point that the Second Chamber should not be constituted first, and then its abolition should be left to constitutional resolution requiring a certain majority. What we suggest is that if the situation is such that it should be left as a matter of discretion in certain Provinces, then first of all a resolution might be passed by the Provincial Legislature expressing its desire for a Second Chamber, and then that the Second Chamber should be constituted. It should not be first imposed on the Provincial Legislature by the constitution.

Fifth Sitting—15th December 1930

Dr. Ambedkar: Sir, I should like to make one or two observations on the amendment which the noble Marquess has moved. I should like to state at once that the position which he has taken up seems to me to be absolutely logical. In this report we are going to provide that certain interests and minority groups may be represented by nomination in the Legislative Council. At the same time we are also making provision in this report that the Governor shall be given an obligation to endeavour to secure that his Cabinet shall be representative of all interests and of all minorities. Now, Sir, unless you provide that in the making up of this Cabinet, the Governor shall also have the right to include members who represent certain important interests by nomination, it seems to me that you are creating an absolutely illogical position. Either you must provide that there shall be no nomination to the Legislative Council at all, that all interests, no matter how minute, shall be secured by election to the Legislative Council, or, if there is to be nomination then you must provide that a nominated member shall have the right to be in the Cabinet if his colleagues are prepared to work with him on the principle of joint responsibility. There is no escape from one or other of those positions.

Now, Sir, it is stated by friends who are sitting on this side that if we accept this principle, that a nominated member shall be a member of the Cabinet, or at least that there shall be no ban upon him, it will run counter to the principle of responsibility. I really cannot understand that position. These gentlemen who are saying it will run counter to the principle of responsibility are prepared to take the votes of nominated members. I am taking the report as it stands. I do not know what future amendments there will be. Supposing the report as it stands is carried, that there shall be certain members in the Legislative Council who shall be nominated. Is it the position of these gentlemen that their votes are illegal? If those who form the Cabinet who are drawn from the elected portion of the House can validly use the votes of members who are nominated to the Legislative Council, if those votes can logically become the basis of the policy of a Government, I cannot see how a member who is one of that nominated group should not become a member of that Cabinet. I fail altogether to understand it. If, as I say, they can take these votes of nominated members and utilise them for their own purposes. I cannot understand what objection there can be to the inclusion of a member from the nominated group in the Cabinet. I therefore say the position of the noble Marquess is perfectly logical. It seems to me we have to make a choice whether we shall make a provision of the sort suggested by the noble Marquess in his amendment, or whether we shall agree to the other proposal which my friends say they will move at a later stage, that there shall be no

nominative element in the Legislative Councils at all. Personally I would much rather have the whole Legislative Council elected with no trace of nomination at all. From that point of view I am not very much in favour of the amendment suggested by the noble Marquess; but if in this Committee or at any later stage nomination remains, then I think I shall have to agree with the noble Marquess and accept the amendment he has proposed.

Diwan Bahadur Ramachandra Rao: I must express my surprise at the speech to which I have just listened.

Dr. Ambedkar: You may, but you cannot have it both ways.

Diwan Bahadur Ramachandra Rao : He knows very well that even under the existing system nominated members are not eligible for appointment as ministers. Section 52 clearly lays it down that no minister shall hold office for a longer period than six months unless he is an elected member of the local Legislature.

Dr. Ambedkar: That is in the melting pot.

Opposition to Co-option in Legislature

Dr. Ambedkar: I am afraid I shall have to oppose this amendment. First of all, such experience of co-option as we have had in Bombay is not very encouraging. It has developed into the worst sort of scandal; the amount of corruption and bribery that take place are such that I for one should not like to introduce this principle in the constitution of the Legislature of Bombay.

A further objection is this. If the various communities that do not find themselves elected at the polls are to get representation of a real sort, representation which is independent of the influence of any other community, I think co-option is a principle which is certainly not going to help them, for it may very well happen that when representatives of the various communities stand for co-option only those will be in fact co-opted as may happen to be subservient to and willing to play into the hands of the majority. It seems to me this would be worse than no representation at all, and I am afraid on that ground I must oppose the amendment. But I submit, Sir, that this Sub-Committee ought to make a recommendation that the future constitution of the Provincial Legislatures should be such that there should be no nominated members at all.

Diwan Bahadur Ramachandra Rao: That is far better, of course.

Dr. Ambedkar: That is my own view of the matter. I am certainly opposed to co-option.

Diwan Bahadur Ramachandra Rao: I agree that some statement that the Legislature should be wholly elected ought to be inserted in this report, and unless some such indication is given of the views of this Subcommittee the

nominated element will continue, though I believe it is the desire of most of our members that it should disappear. A statement to that effect ought to find a place in the report. I have no doubt whatsoever that everyone of us is quite alive to the evils of nomination, and we are anxious it should disappear as early as possible. Under these circumstances I am not prepared to support the amendment, and I would favour the proposal made by my friend, Dr. Ambedkar.

Chairman: What was the proposal ? I have no words here.

Dr. Ambedkar : We should say it is the view of the Sub-Committee that hereafter the Legislative Councils in the Provinces should be wholly elected.

Chairman: That is another amendment altogether, you will have to send it in writing if you want to move that.

Chairman: I will take your decision on this point.

Raja Narendra Nath: I support Sir A. P. Patro. I think the power of nomination should be strictly confined to the representation of interests, which cannot be given by election.

Dr. Shafa'at Ahmad Khan: Yes.

Raja Narendra Nath: There may be in certain Provinces some communities, such as the one to which Dr. Ambedkar belongs, for which it would be impossible to arrange election.

Dr. Ambedkar: I should not have anything to do with a constitution which did not provide the franchise for my community.

Raja Narendra Nath: The franchise will have to be arranged on a very different basis if it is to be provided for the community to which Dr. Ambedkar belongs, and therefore a limited power of nomination should be provided.

Chairman: It seems to me the majority of the Sub-Committee is in favour of clause (c) as it stands in the Report.

COMMITTEE OF THE WHOLE CONFERENCE

Comments on the Report of Sub-Committee No.II (Provincial Constitution)—16th December 1930

Mr. Chintamani opposed the institution of 2nd Chamber in Provinces. He said, it would be a costly luxury and not an institution of public utility. In U.P. demand for 2nd Chamber comes from a small section of the community, which according to Simon Commission, is over-represented in the Provincial Legislature. He therefore considered this proposed 2nd Chamber as absolutely unnecessary and undesirable either in U.P. or any other Province

in India for any length of time, in whatever conditions Dr. Ambedkar said,—" I shall like to associate myself with the remarks which have just fallen from Mr. Chintamani " .

Chairman:The discussion is now on paragraph 5(b). (This paragraph deals with the procedure of appointment of Ministers.)

Dr. Ambedkar: It was moved in the Sub-Committee that the word " elected " (Elected members of the Provincial Legislature) should be dropped in view of the recommendation made by the Committee in another part of the Report that probably some part of the Legislature might have to be composed of nominated members. It was then decided that if the Committee which would be constituted to discuss the composition of the Legislature came to the conclusion that there should be a nominated member, the word " elected " should be dropped.

Chairman: The word used is "ordinarily" ("The Ministers should ordinarily be drawn ") I think that covers the point. It indicates the possible necessity of extraordinary action.

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IN SUB-COMMITTEE No. III (MINORITIES)

Second Sitting—31st December 1930

Dr. Ambedkar: Mr. Chairman, I am sure you will readily agree that the task which has fallen upon me to represent the case of the Depressed Classes is a heavy one. I think it is for the first time that the case of the Depressed Classes from the political point of view has come to be considered. The disabilities of the Depressed Classes were mentioned in almost every despatch that was recorded by the Government of India in connection with the political advancement of the country; but the despatches only mentioned the difficulties and never attempted to give any solution of those difficulties. The problem was just allowed to rest there. In view of that, and in view of other matters, namely, that in a Committee consisting of so many members we are only two to voice the grievances of 43 millions of people, and grievances which the Committee will agree are unparalleled by the case of any other community that exists in India, I submit that the task is really an enormous one, and I should have expected more latitude in the matter of time allowed to me for presenting this case. But I anticipated that probably such would be the fate that would befall me, as it did, of course, at the Plenary Session ; and, in anticipation of that, I and my colleague, Rao Bahadur Srinivasan, thought it advisable to submit to this Conference a written memorandum giving in clear-cut language what the Depressed Classes desire by way of political safeguards in the future constitution of India. That

memorandum has already been submitted and circulated among the members of this Committee, and I hope everyone of them has received it. In view of this fact, that the case of the Depressed Classes is in the possession of the members of this Committee, I do not wish to ask indulgence from the Chairman for a larger period to present the case. I will therefore summarise, only to emphasize, what I have stated in the memorandum which is already in the hands of the members of the Committee.

Sir, the first observation that I will make is this, that although there are various minority communities in India which require political recognition, it has to be understood that the minorities are not on the same plane, that they differ from each other. They differ in the social standing which each minority occupies *vis-a-vis* the majority community. We have, for instance, the Parsee community, which is the smallest community in India, and yet, *vis-a-vis* its social standing with the majority community, it is probably the highest in order of precedence.

On the other hand, if you take the Depressed Classes, they are a minority which comes next to the great Muslim minority in India, and yet their social standard is lower than the social standard of ordinary human beings.

Again, if you take the minorities and classify them on the basis of social and political rights, you will find that there are certain minorities which are in enjoyment of social and political rights, and the fact that they are in a minority does not necessarily stand in the way of their full and free enjoyment of those civic rights. But if you take the case of the Depressed Classes, the position is totally different. They have in certain matters no rights, and, where they have any, the majority community will not permit them to enjoy them.

My first submission to this Committee, then, is that it should realise that although, to use an illustration, the minorities are all in the same boat, yet the most important fact to remember is that they are not all in the same class in the same boat; some are travelling in "A" Class, some in " B " Class and some in " C ", and so on. I have not the slightest doubt in my mind that the Depressed Classes, though they are a minority and are to that extent in the same boat as other minorities, are not even in "C" or " D " Class but are actually in the hold.

Starting from that point of view, I agree that, in some respects, the position of the Depressed Classes is similar to that of the other minorities in India. The Depressed Classes, along with the other minorities; fear that under any future Constitution of India by which majority rule will be established and there can be no shadow of doubt that that majority rule will be the rule of the orthodox Hindus—there is great danger of that majority with its orthodox Hindu beliefs and prejudices contravening the dictates of justice, equality and good

conscience, there is a great danger that the minorities may be discriminated against either in legislation or administration or in the other public rights of citizenship, and therefore it is necessary to safeguard the position of the minorities in such a manner that the discrimination which is feared shall not take place.

From that point of view, however, what is asked is that the minorities shall have representation in the Legislature and the Executive, that they shall have representation in the public services of the country, and that the constitution shall provide that there shall be imposed on the future legislatures of India, both Central and Provincial, certain limitations on their legislative power which will prevent the majorities from abusing their legislative power in such a manner as to enact laws which would create discrimination between one citizen and another. I say, this circumstance— this danger of discrimination is common to all minorities, and I, as a representative of the Depressed Classes, join with the demand which the other minorities have made in this regard.

Now, Sir, I will come to those circumstances which mark off the Depressed Classes and the other minority communities in India. I will at once say that the way in which the position of the Depressed Classes differs from the position of the other minority communities in India is this, that in the first place the Depressed Classes are not entitled, under present circumstances, to certain civic rights which the other minorities by law enjoy. In other words, in the existing situation the Depressed Classes suffer from what are called civic disabilities. I will give you just one or two illustrations, because I know I have not much time at my disposal.

Take the case of employment in the Police or in the Army. In the Government of India Act it is provided that no subject of His Majesty shall be deprived of the right of being employed in any public service by reason of his caste, creed or colour. Having regard to that, it is obvious that every member of the Depressed Class community who is capable, who is in a position to satisfy the test laid down for employment in any public department, should have the right to enter that public department. But what do we find ? We find this. If a Depressed Class man applies for service in the Police Department today, he is told point blank by the executive officers of the Government that no member of the Depressed Classes can be employed in the Police Service, because he is an untouchable person. In the case of the Military the same situation obtains. Up to 1892 practically the whole of the Madras Army and the whole of the Bombay Army consisted of members drawn from the Depressed Classes. All the great wars in the history of India have been fought with the help of sepoys drawn from the Depressed Classes, both in the

Bombay Presidency and in Madras. Yet in 1892 a rule or regulation was made which debarred the Depressed Classes from entry into the Military Service, and even today, if you ask a question in the Legislative Council as to why this is done, the answer is that the bar of untouchability does create insuperable difficulties in the recruitment of these classes.

I am quite sure that this disability is as effective as it was imposed by law, and the section in the Government of India Act, which says that all His Majesty's subjects shall have free entry into employment provided they are otherwise fit, is altogether set at naught.

I can cite many other cases. For instance, there is the difficulty the Depressed Classes find in getting themselves accommodated in public inn when they are travelling, the difficulty they find in being taken in an omnibus when travelling from one place to another, the difficulty they find in securing entry to public schools to which they have themselves contributed, the difficulty they find in drawing water from a well for the building of which they have paid taxes, and so on. But I need not go into all these cases. The one circumstance which distinguishes the position of the Depressed Classes from that of the other minorities is that they suffer from civic disabilities which are as effective as though they were imposed by law.

The second and, in my opinion, the most hideous distinction which marks the Depressed Classes is that the Depressed Classes are subject to social persecution unknown in any other part of the world. In that connection I want to read to the Sub-Committee a small extract from the Report of a Committee appointed by the Government of Bombay in the year 1928 to investigate into the position of the Depressed Classes. That Committee tried to find out whether there were any impediments in the way of the Depressed Classes enjoying such rights as the law gave them in common with other citizens of the State:

" Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

" The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no

economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their lands, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

" We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift." A third thing which the Depressed Classes fear more than any other community is that whatever representation they may be granted in the new legislature, they will always be in a very small minority, and consequently, having regard to the apathetic attitude of the orthodox classes towards the Depressed Classes, there is always the danger of the interests of the Depressed Classes, being neglected altogether, or some action taken which may ultimately prove to be prejudicial to their interests.

As against these special circumstances which affect the Depressed Classes, we propose the following safeguards. First of all, we want a fundamental right enacted in the constitution which will declare " untouchability " to be illegal for all public purposes. We must be emancipated, so to say, from this social curse before we can at all consent to the constitution; and secondly, this fundamental right must also invalidate and

nullify all such disabilities and all such discriminations as may have been made hitherto. Next, we want legislation against the social persecution to which I have drawn your attention just now, and for this we have provided in the document which we have submitted by certain clauses which are based upon an Act, which now prevails in Burma. I need not go into that detail just for the moment. Then what we want is this, that liability of the executive officers of the Crown for acts of tyranny or oppression shall be made effective. Today under sections 110 and III of the Government of India Act that liability is not real. And lastly, what we want is a right to appeal against acts of neglect or prejudice to the Central Government and failing that, to the Secretary of State and a Special Department in the Government of India to take charge of our welfare.

This is, in general, the cases for the Depressed Classes, and the safeguards that they want. Let me just say a word or two as regards the most important of them—namely, their right to adequate representation in the legislature. Now, on the question of the granting of representation of the Depressed Classes, we are absolutely unanimous that that representation shall be by election and not by nomination. The system of nomination has produced in the case of the Depressed Classes, results which we all say are abominable. The system has been abused in a manner in which it was never expected that it would be abused, and it has never given the Depressed Classes the real and independent representation which they must have as their safeguard. Under no circumstances, therefore, will the Depressed Classes accept representation by nomination.

As to the question of joint or separate electorates, our position is this— that if you give us adult universal suffrage the Depressed Classes, barring a short transitional period which they want for their organisation, will be prepared to accept joint electorates and reserved seats; but if you do not give us adult suffrage, then we must claim representation through separate electorates. That is our position.

Now regarding the question of the number of seats, it is not possible, of course, for us to state definitely what that number should be, except to state that we will not tolerate any invidious discrimination. We insist upon equality of treatment. But the whole question, in my opinion, is entirely a relative question: it is a question that can be determined only in connection with, and by taking into account, the seats that will be allotted to the other minority communities; but I will make two observations in this connection. The first observation that I will make is this—that we, the Depressed Classes, demand a complete partition between ourselves and the Hindus. That is the first thing. We have been called Hindus for political purposes, but we have never been

acknowledged socially by the Hindus as their brethren. They have taken to themselves all the political advantage with our numbers, with our voting strength, have given to them, but in return we have received nothing. All that we have received is a treatment which is worse than the treatment that they themselves have accorded to other communities whom they do not call Hindus. That must be the first thing, therefore, that we want to be done.

The second thing that I will say concerns the question of weightage. Now, this system—1 will be plain, to my mind has been abused. I am not against the principle of weightage. I do not accept the principle that in all circumstances every minority must be confined to its population ratio. A minority may be so small that its population ratio may give a representation which may be wholly inadequate for the purpose of its protection. It may be a representation which may be of no consequence at all. If, therefore, you want to protect a minority adequately and really, then in certain circumstances the principle of weightage will have to be conceded. But the distribution of weightage must be subject to some uniform and intelligible principle. In our opinion weightage is to be conceded because a minority is weak, either in numbers, or because its social standing is low, or its educational standing is backward as compared with others, or because its economic strength is not sufficient to place it on a fighting par with other communities.

Member: Quite right.

Dr. Ambedkar: But I cannot understand, for instance, how weightage can be allowed on the ground of political importance, or loyalty, or services rendered either to the Empire or to the British Government. I think if we adopt that principle, we shall land ourselves in very difficult circumstances from which it will be difficult to extricate ourselves.

Regarding the question of the representation of the Depressed Classes in the Central Legislature. If you have again adult suffrage for the election of members of the Central Legislature, then, of course, the Depressed Classes will claim separate representation in the Legislature, such number of seats being allotted to them in conjunction with the seats allotted to other minorities. But if your representation is to be by a suffrage which is higher or much higher, based on property, and so much higher that the Depressed Classes will probably be entirely left out, then I am afraid the Depressed Classes will have to claim indirect election to the Central Legislature, carried on by electoral colleges composed of members of the Depressed Classes, in the Provincial Legislature, in Municipalities, and in district local boards. That is all that I have to say so far as the Depressed Classes are concerned.

Having said all that I need say let me add one thing in conclusion that this

whole question of minority representation is really the crux of the whole situation, and if the majority community desire that all minorities should associate with them in having or in claiming, a constitution which will give India what they call Dominion Status, or what we prefer to call Government by the people, for the people and in the name of the people, then I am afraid that the majority community must see to it that all fears of the minorities are set at rest. Otherwise it may not be possible for us to take what I do not conceal from myself is the risk that most of us are taking in claiming Dominion Status.

Fifth Sitting—14th January 1931

Chairman: The proposal that has just been made makes it impossible for us to go on and adopt the Draft Report that is in front of us, because, of course, it changes the whole circumstances. If you would be agreeable, I should propose to adjourn this Sub-Committee now, and I will also, you being agreeable, propose to remain in the Chair and to ask that those of you who are specially interested should meet and we must include Dr. Ambedkar.

Dr. Ambedkar: I am obliged to you, Sir.

Chairman : Oh, yes, we must include him and see whether by an exchange of opinions across the table we could not come to an agreement.

Sir P. C. Mitter: I should like to join, Sir, in those discussions.

Dr. Ambedkar: We have heard just now these proposals and percentages being disposed of, but really it strikes me that if you add up all these they not only go over 100 per cent but they practically take no notice of many other communities that are existing in the Punjab and Bengal and in other places. If these communities, the Sikhs, the Mohammedans, the Hindus are going to appropriate 49 and 20 and so on, what is left for the other people? Are they to be taken into account or not? That is a very serious question, Mr. Prime Minister.

Lt. Col. Gidney : May I just raise my humble voice—it is a very small voice. I know—in this conflict? I support what Dr. Ambedkar has just said. Surely you are not going to take the political rupee and give 15 annas and 9 pies to the major communities, leaving 3 pies to be scrambled for by the other minorities. On behalf of the smaller communities I maintain we should have some say in this distribution.

Chairman: That is just the point. I think that we had better discuss this matter with a smaller body and a little but more informally.

Mr. Foot: And no notes taken ?

Chairman: And I shall remain in the Chair, you being agreeable, and see what can be done to straighten out the situation that has been opened up by

the very hopeful suggestion made by Sir Muhammad Shafi.

Sixth Sitting—16th January 1931

Chairman: " The inclusion in the Constitution of declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without distinction of race," and so on, " the free exercise," and so on.

Raja Narendra Nath: I propose we say " the free and equal exercise " .

Chairman: " of his or her economic, social and civil rights " .

Raja Narendra Nath: I do not think we want the " his or her " . Cannot we say " the free and equal exercise of economic, social and civil rights by citizens " ? I do not insist on it.

Chairman: " equal " is of substance, but I do not think the other matters very much.

Raja Narendra Nath: I suggest we should say " free and equal exercise " .

Chairman: As a matter of fact, that is a question from Dr. Ambedkar.

Raja Narendra Nath: The word " equal " was used in Dr. Ambedkar's speech.

Sir M. Shafi: I think "free" covers it.

Dr. Shafa'at Ahmad Khan: I think it should remain as it is.

Chairman: It says " and securing to every individual..... the free exercise " . You cannot secure the equal exercise, because equal is an attribute of the individual who uses the rights.

Raja Narendra Nath: I mean equality in rights; equal rights.

Mr. Chintamani: I do not see the particular propriety of that objective " equal" .

Raja Narendra Nath: It is used in Dr. Ambedkar's draft.

Chairman: You can secure to each individual the Free exercise of his rights, but if he does not exercise them in terms of equality that is his lookout, not the Government's.

Raja Narendra Nath: Very well.

Chairman: " his or her " can come out, I think.

Dr. Ambedkar: After the word "rights" at the end of the paragraph I should like the words " without discrimination " added.

Chairman: It says already " without distinction of race, caste, creed or sex " .

Dr. Ambedkar: I should like the word " untouchability " . You included there!

Chairman:....." untouchability! " you already have race and caste.

Dr. Moonje: I think it is all right.

Dr. Ambedkar : In order to explain things better I think that word might be

included.

Chairman: Do not let us produce a document which people will laugh at on account of the way it is worded.

Dr. Ambedkar : I think we ought to make a distinction between caste and untouchability. Many people who have caste do not suffer from the difficulties of untouchability.

Raja Narendra Nath: Even the Muslims have caste.

Diwan Bahadur Ramachandra Rao: There is caste among the untouchables. " Caste " is a wider expression.

Mr. Foot: Unless an alteration which is substantial is proposed, I understand it is rather late to make an alteration at this stage.

Dr. Ambedkar: I should like to say " social and civil rights on account of untouchability or otherwise ".

Chairman: Untouchability is a violation of social rights, and if you pile on words instead of making it more precise it has, as a matter of fact, an exclusive tendency; it narrows the thing if you give a specific application to a general principle. If you keep your general principle sound you are much safer so far as its application is concerned than if you quote it as applying to the one particular grievance.

Dr. Ambedkar: That is true, but I do maintain that the question of interpretation will come in, and I should like whoever is going to handle this Report to understand that the Sub-Committee did mean not to impose any disability on account of untouchability.

Chairman : In a case like that, if there is any doubt about it, I will take the opinion of the Committee and settle it. Do you persist. Dr. Ambedkar ?

Dr. Ambedkar: I am afraid, Sir, I shall have to. My dissent might be noted, that I do wish that this should be made clear.

Chairman : There is a suggestion made that the word " distinction " should be substituted by the word " discrimination ", so that it will read " without discrimination as to race, caste " and so on.

Dr. Ambedkar: Yes, that would do it.

Chairman: That will be all right ?

Dr. Ambedkar: That will be all right. I suggest at the end it should be " without discrimination ".

Chairman: Quite then would you make that alteration please. Then it will read without discrimination.

Dr. Ambedkar: Yes.

Chairman: That is a good amendment : the other, I think, would have been a bad one.

Dr. Ambedkar: Sir, as I understand, paragraph 3 summarises the demand put by the different communities before this Committee.

Chairman: Yes.

Dr. Ambedkar: In view of that, I should like to suggest that the other demands made by the Depressed Classes specifically in their own interests, on account of the fact that their position differs somewhat from the position of the other minorities, should be added. I do not mean to say that they should be added as an accepted proposition by this Conference, but for the sake of completeness those demands should be put in. I would therefore suggest the addition of the following paragraph to this paragraph after the word " rights " :
" The Depressed Classes also urged that untouchability, with all its consequent disabilities, should be abolished by law, and that they should be guaranteed free and unfettered enjoyment of their rights; and they also claim the right of appeal to the Governor-General and the Secretary of State in cases of prejudices or neglect of their interests."

Chairman: But you see, in so far as these suggestions can be made workable, they will come in the details that will have to be worked out.

Dr. Ambedkar: I quite see that.

Chairman: Partly legislative and partly administrative.

Dr. Ambedkar: But what I would like to say is this, that in view of the fact that the paragraph tries to summarise what was put before this Committee by the different communities, what was put by the Depressed Classes, as something specifically for themselves, apart from what other communities needed, ought to come in by way of completion.

Chairman: But it says " without discrimination " and so on.

Dr. Ambedkar : Mr. Prime Minister, you will excuse me; it is one thing for the constitution to say that no man shall be discriminated against, and that every man shall be guaranteed the free enjoyment, and so on; but I know as a matter of fact that we are hard up against facts, and that people will not allow us to enjoy the rights which are given to us by the constitution. I am as certain of that as I am certain of my existence. I do not want merely a paper guarantee. The whole community will be against us, and we shall certainly never enjoy one-tenth of what is given to us. I therefore desire that the constitution should not only declare that we shall have specific rights that every community will have, but that the constitution should also provide ways and means by which we shall be protected in the exercise of those rights.

Chairman: The point is, supposing a legislature does not pass a law which will suit you, then the constitution has been broken.

Dr. Ambedkar: No. What I suggest is this : That in the memorandum which I have circulated I have suggested certain ways and means by which we think

our rights could be protected in the matter of their exercise. The Committee here, for instance, may not agree that that is an appropriate way of doing it; the Committee may suggest that there are some other means of doing it. I am quite prepared and open for consideration of these other ways and means; but what I want to submit is this, that this draft ought to report that the Depressed Classes did suggest that they were not satisfied with the mere declaration that they were placed on an equal footing with other communities ; but they pressed in that rights be given to them by the constitution. I am not asking for anything more than that. That is by way of completion of the report. In the memorandum which I submitted, you will see I do recommend a certain procedure for that.

Mr. Foot : The only difficulty which occurred to me, with every sympathy for Dr. Ambedkar, was that if you begin to put in a statement of your position, it would have to be a very full statement. Already we have upon the notes the claim that has been made, and the sympathetic adoption of it here referred to again at the end of paragraph 16. It seems to me perhaps there may be the risk that if you are going to put in any claim at all, you will not have it fully stated in this memorandum.

Dr. Ambedkar: I would just like to say as regards paragraph 16, the last two sentences refer to the Depressed Classes, and they are confined to the seats that are to be allotted to them. That is a different matter altogether. What I am stating is this, that the constitution may give me certain rights, but I know that 99 per cent of the people in India are not going to allow me to exercise those rights. What is the use of those paper rights to me unless the constitution provides that if anyone infringes my rights he is liable to certain penalties ? What I say is this. I do not press that the meeting should adopt my proposal. What I want is that the constitution should be made to complete as to cover what I have said on behalf of the Depressed Classes on this Sub-Committee.

Chairman : We have every sympathy with your position, and are prepared to support it; but the difference between putting a paragraph in the constitution declaring for fundamental rights and the drafting of laws carrying out those fundamental rights is a real one. You cannot get into a constitutional declaration any details of a law which is going to enforce it. What you have got to do is, when you get your representation, when you get your declaration of rights, not in detail, in your constitution, then, as a representative of your people co-operating with the other people in the Legislature you have to produce the law which you think carries out the declaration in the constitution, because if you put anything more by way of detail into your constitution and the constitution is not carried out in that respect, then the constitution is not carried out at all. So you will never get on in that way.

Dr. Ambedkar: My submission is this. I perfectly agree with you that this declaration of fundamental rights is of no consequence. I attach no importance to it myself personally, because after all, what is important to an individual is not that his rights should be declared but that he should have the remedy in order to enforce those rights. That is the effective guarantee of the rights in the declaration, and therefore I want that the constitution should give me some means whereby I can get redress when I am wrong. It is no use merely saying that there is no "untouchability" and so on.

Chairman: As a matter of fact we have got the point clearly in our minds, so it need not be reiterated; but what Dr. Ambedkar says is that a declaration in the constitution is not good enough for him unless it is enforceable by law. That is so. In order to make it enforceable by law, laws must be passed creating the penalties and the crimes—the crimes first of all, and the penalties. You cannot create a crime of this kind. I think, not safely—I am in the hands of Lord Reading; he is a lawyer, I am not—you cannot, in drafting a general introductory clause to your constitution, create by that a crime which gives you more rights than those that you can claim under the constitution. Under the constitution you have got certain rights given to you, and I am not at all sure what is the position. Supposing a Depressed Class person was actually persecuted in violation of this declaration, could he not move for some redress in the Courts?

Lord Reading: Well, you have got to give him some remedy for it, of course. You must make it a misdemeanour.

Chairman: Can you do that in the constitution ?

Lord Reading: No, I do not think so. If you will forgive me for a moment I do not think Dr. Ambedkar was pressing for that. As I understand it, he wants us to make a definite statement that he had put the claim forward, that he was not satisfied merely with the declaration of "free exercise" etc. What he wants also is that he drew special attention to the fact that that was no use to him unless he also had protection for an infringement of these rights, and he leaves it there. Then you have to consider what the remedy is hereafter. That is as I understood him.

Dr. Ambedkar: That is my position.

Discussion on paragraph 4 of the Report

Dr. Ambedkar: I wish to suggest an amendment to the second subparagraph of paragraph 4. After the words "Depressed Classes" I should like to have the words added "barring a short initial period". It would read "and would be acceptable to the Depressed Classes barring a short initial period".

Chairman: I understood you accepted it provided there was adult suffrage ?

Dr. Ambedkar: I said that for ten years we should have separate electorate whether there was adult suffrage or not.

Chairman: " And would be acceptable to the Depressed Classes after a transition period " ?

Dr. Ambedkar: Yes.

Chairman: Do you agree that makes it more accurate ?

Mr. Chintamani: Are we to delete the proviso " provided the franchise was based on adult suffrage " ?

Chairman: No, we cannot alter the speeches that were made. But what Dr. Ambedkar said—he will correct me if I am wrong—was that if there is to be no adult suffrage then they must claim separate electorates, but if there is adult suffrage then, after a transition period, they would abandon them. I cannot allow the accuracy to be altered. Discussion on paragraph 12 of the Report

Dr. Ambedkar: Sir, I should like to have the following words added to paragraph 12 in the beginning: "The minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were accepted." And then you can proceed: " There was general agreement with respect to recommendations," and so on. Speaking for myself, I think I made it very clear at the time when I delivered my speech in this Committee that unless we were assured that we were safe in the new constitution, we could give no consent to any constitution involving the principle of responsibility. If other communities do not care to join in this, it would go as my own statement on behalf of the Depressed Classes.

Lt. Col. Gidney: I join in that statement too, Sir.

Chairman: Of course, the statement as a matter of fact was made, and it was made in a representative way, not merely as an individual statement. But if that is put in in this report, you will observe the effect of it, that one or two of you will be able to say: " Our claims have not been satisfied." It is not a decision of this Committee, but it does put obstacles in the way of anything being done unless everybody says they are satisfied with what is being done. Whether you think it is wise to take that statement, undoubtedly made to the Committee, and put it in such a position as to make it necessary to record it in the report which the Committee sends to the Conference, is for you to say. I do not object at all, as a matter of record.

Lord Reading: It is rather difficult to see what part it plays in this particular paragraph; this is dealing with the Executive, and the only point which is mentioned about the new constitution is in regard to the successful working of it.

Dr. Ambedkar: My position is this, Sir, that speaking for myself, I do not

merely make a statement, and I do not want the record merely to say that I made certain demands ; I want the report also to record the strength of feeling that is in my mind behind this; that it is not merely a demand which I made merely to be accepted or rejected, but I said that the acceptance of these demands was conditional on the acceptance of this.

Lord Reading: I do not see how it can come in this paragraph at all.

Dr. Ambedkar: It may come in anywhere. As it was dealing with general agreements, I thought these few lines might come in appropriately at the top of this paragraph. If you do not think it is suitable, I have no objection.

Chairman: I do not think it can come in here; I do not see how you can work that in here. You could raise it again. It is really what we should call in a Bill before the House of Commons a new clause and not an amendment to a clause 12.

Dr. Ambedkar: In the third line it reads in this way: "that the representation on the Provincial Executives of important minority communities, i.e. Hindus, Mohammedans and Sikhs, was a matter of the greatest practical importance. " My amendment is this, that we should delete the word "important", because I do not want any discriminations made between minorities and minorities, but you should not mention any minority by name, and that if you are going to do so, then you must mention all the minorities.

Dr. Moonje: That is exactly what I was going to say.

Chairman: As a matter of fact, the reason why these words were put in is that they are in the report to which reference is made. What is the amendment ? We are not going to put in anything that you do not agree with. " That the representation on the Provincial Executive of minority communities"?

Dr. Ambedkar: Leave it there. Delete " Hindus, Mohammedans and Sikhs ".

Chairman: Let us see what it means. It would then read: " that the representation on the Provincial Executives of minority communities was a matter of the greatest practical importance for the successful working ", and so on.

Dr. Ambedkar: Yes.

Chairman: That means that every minority community, if it is 8, 9, 10 or 12, must have a representative upon the Executive.

Dr. Ambedkar: No; I would then add: " as far as possible leaving discretion to the Governor". I should not like any community to be specifically mentioned.

Lord Reading: Surely you must look and see what this says: " There was general agreement with the recommendation of Sub-Committee No. II (Provincial Constitution)." Then it goes on to quote it.

Dr. Ambedkar : It should not.

Dr. Moonje: My suggestion was a small one, but perhaps it might meet Dr. Ambedkar's point of view. It was on the same lines : " important minority communities, i.e. Mohammedans, Sikhs, Depressed Classes,". That was my small amendment.

Lord Reading: Then the others will have to come in.

Sir A. P. Patro: The Depressed Classes are not Hindus ? Will you cut off the Depressed Classes ? With due respect, I say there are Depressed Classes who would simply revolt at the suggestion that they are not Hindus. In Southern India, if Dr. Ambedkar comes and says they are not Hindus, then I do not know what position Dr. Ambedkar will have in Southern India.

Dr. Ambedkar: We are not discussing that here.

Sir A. P. Patro :Therefore I say representation consistent with facts and experiences.

Chairman: I have referred to the report to which reference is made. " Hindus, Mohammedans and others " I am told was put in by way of illustration, and these words do not appear in the report.

Sir Muhammad Shafi: That is what I was going to say.

Chairman: Just one minute. The word " important " does " that the representation on the Provincial Executives of important minority communities ". Therefore " important " will have to stand.

Members: Yes.

Chairman : But " Hindus, Mohammedans and Sikhs " will have to go out ; they have no business to be there.

Dr. Ambedkar : Just before you go from that, Sir, I should like to draw attention to the words " working of the new constitution and it was also agreed that on the same grounds Mohammedans should be represented on the Federal Executive ". The words " important minorities " should replace the word " Mohammedans " there I mean, in keeping with what we are saying in the beginning.

Chairman: Oh, yes! " It was also agreed on the same grounds "—

Dr. Ambedkar: " they should be represented also on the Federal Executive ". *Chairman*: " That important minorities should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives or that, failing this, in each cabinet, there should be a Minister specially charged," and so on. That is exactly what was put forward.

Lord Reading: Yes.

Chairman: Officially.

Chairman: As a matter of accurate recording, the use of the word "Mohammedans" is perfectly right.

Sir Muhammad Shafi: Federal stands on a special footing.

Chairman : " Mohammedans " stands.

Mr. Joshi: Yes, I agree to that.

Dr. Ambedkar: Then you must add to "Mohammedans", "and other important minorities ".

Chairman: No, you cannot. That was the claim.

Dr. Ambedkar: May I not say so for myself ? Speaking for myself, I speak on behalf of the Depressed Classes as well.

Mr. Joshi: It is not agreed. You did not make the claim.

Dr. Ambedkar: It is not a question of whether I did or not.

Chairman: Now, we are doing business, and it is two minutes to eleven.

Dr. Moonje : I would ask, instead of the word " agreed," that we should say, "it was also claimed that on the same grounds," and so on.

Sir Muhammad Shafi: No, no, it was agreed. That is a matter of fact.

Dr. Moonje: I do not know what took place in the Federal Structure Committee.

Sir Muhammad Shafi: The record shows it.

Dr. Moonje: But here, of course, I do not agree with that point.

Sir A. P. Patro: That is accepted, and it goes to the next paragraph.

Dr. Moonje: A claim was put in.

Chairman: The statement was made that the Mohammedans should be recognised, and to that, according to the minutes, there was an agreement, and that has just been lifted out of the records.

Mr. Joshi: The records of this Committee ?

Lt. Col. Gidney: I made a distinct statement on this matter when we had this before the plenary session, and I made statement to this effect— that it is all very well for the larger communities to demand certain things, but the minorities wanted some representation.

Chairman: That is in.

Lt. Col. Gidney: This is only an alternative.

Chairman: Oh, no, it is not. The sentence gives an alternative, but it says the claim was made that there should be either representation of the minorities direct, or, failing that that is, if that is impossible then...

Lt. Col. Gidney : That is all we want.

Rao Bahadur Pannir Selvam: " Failing this " might replaced by " if this should be found impossible ".

Chairman: Yes, instead of " failing this ", " if that should be found impossible ". There is no reason why that should not be substituted, " if this should be

found impossible ".

Lord Reading: What is the difference ? We are spending time over interchangeable phrases, that is all.

Sardar Ujjal Singh: Make provision for any other communities in the Federal Executive, and insert the words " important minorities " there. We might make some provision, somehow or other, not necessarily, but provision must be there.

Chairman: May I bring you up against the hard facts of the situation. You cannot, on a Federal Executive, have every minority.

Dr. Ambedkar : Let me make my position clear. In the Provincial Constitution, what we have done is, we have placed an obligation upon the Governor to endeavour to do it. He is not tied down, but in the endeavour he should certainly be allowed the freedom to select even from other important minorities. We are not tying him hand and foot in the making of the Constitution. All we have done is that we place an obligation on him not to select, but we place an obligation upon him merely to make an endeavour. Surely that is not tying him down hard and fast, and I submit that after the word " Mohammedans " the words " other important minority communities " should come.

Chairman : No, we have passed that point. We are now at the second point.

Sir A. P. Patro: May I refer to paragraph 13 ?

Dr. Ambedkar: I would suggest that my dissent be recorded from paragraph 12.

Sardar Ujjal Singh: After the word " Mohammedans ", " other important minorities " should be added.

Lt. Col. Gidney : Why close it to the other minorities ?

Chairman: I really must rule. As I have said already, we are not closing it to the other minorities. I am quite willing to discuss amendments on the words as they are, but really you must not raise false issues. This makes a claim that the other minorities shall also be represented, but if this should be found impossible—that alteration has been made—then there will be a Minister. That is an accurate record of the claims which were made. Paragraph 12 agreed.

Dr. Ambedkar : I think our dissent should be recorded.

Chairman: Very well.

[Paragraph No. 12 as adopted finally by the Sub-Committee No. III (Minorities).] 12. There was general agreement with the recommendation of Sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new

constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting minority interests.

Dr. Ambedkar and Sardar Ujjal Singh would add the words "and other important minorities " after the word " Mohammedans " in line 6.)

Discussion on paragraph 18 of the Report

Chairman: 17 is deleted. Now 18, which will then become 17. That this Report be presented to the Committee of the Whole Conference, Those in favour ? On the contrary ? That is carried. Then it will go to the Committee of the Whole Conference.

Dr. Ambedkar: Sir, there is my amendment.

Chairman: I beg your pardon; I am so sorry.

Dr. Ambedkar : I should like to have this amendment put in as a separate paragraph after 16.

Chairman : Make it the last paragraph ?

Dr. Ambedkar: Yes.

Chairman: Then that is the over-riding paragraph.

Dr. Ambedkar: My amendment is this: " That the minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-Government constitution for India unless their demands were accepted."

Chairman : As a matter of fact that was said, and it was said in a responsible way ; it was not merely an individual expression of opinion.

Dr. Ambedkar : I think it should be in.

Mr. Joshi: I think labour cannot be regarded as a minority for that statement.

Chairman: I cannot rule it out.

Dr. Ambedkar: I would accept the words : " unless their demands are accepted in a reasonable manner ".

Chairman: That makes it meaningless.

Dr. Ambedkar: Or " their reasonable demands are accepted ".

Mr. Zafrullah Khan: Does anybody suppose that if the demands are met in a reasonable way they are going to be pleased?

Mr. Foot: It is only the record of a claim.

Chairman: It is only the record of a claim. That paragraph should be added as paragraph 18, a new paragraph.

APPENDIX I

A SCHEME OF POLITICAL SAFEGUARDS FOR THE PROTECTION OF THE DEPRESSED CLASSES IN THE FUTURE CONSTITUTION OF A SELF-GOVERNING INDIA

Appendix to Report of Sub-Committee No. III (Minorities) (*Submitted by Dr. Bhimrao R. Ambedkar and Rao Bahadur R. Srinivasan*)

The following are the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India:

Condition No. I

EQUAL CITIZENSHIP

The Depressed Classes cannot consent to subject themselves to majority rule in their present state of hereditary bondsmen. Before majority rule is established their emancipation from the system of untouchability must be an accomplished fact. It must not be left to the will of the majority. The Depressed Classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State.

(A) To secure the abolition of untouchability and to create the equality of citizenship, it is proposed that the following fundamental right shall be made part of the constitution of India :

Fundamental Right

U.S.A. Constitution Amendment XIV and Government of Ireland Act, 1920, 10 & 11, Geo. V, Ch. 67, sec. 5 (2).

" All subjects of the State in India are equal below the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any, penalty, disadvantage, disability is imposed upon or any discrimination is made against any subject of the State on account of untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India."

This is so in all Constitutions, see Prof. Keith's remarks in Cmd 207, p. 56.

(B) To abolish the immunities and exemptions now enjoyed by executive officers by virtue of sections 110 and 111 of the Government of India Act, 1919 and their liability for executive action be made co-extensive with what it is in the case of a European British Subject.

Condition No. II FREE ENJOYMENT OF EQUAL RIGHTS

It is no use for the Depressed Classes to have a declaration of equal rights. There can be no doubt that the Depressed Classes will have to face the whole force of orthodox society, if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these face the whole

force of orthodox society if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these declarations of rights are not to be mere pious pronouncements but are to be realities of everyday life then they should be protected by adequate pains and penalties from interference in the enjoyment of these declared rights.

(A) The Depressed Classes therefore propose that the following section should be added to Part XI of the Government of India Act, 1919, dealing with Offences, Procedure and Penalties :

(i) *Offence of Infringement of Citizenship*

U. S. Statutes at large .Civil Rights Protection Acts of April 9,1866 and of March 1, 1875 passed in the interest of the Negroes after their emancipation

" Whoever denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of untouchability the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public, amusement, resort or convenience whether they are dedicated to or maintained or licensed for the use of the public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine."

(B) Obstruction by orthodox individuals is not the only menace to the Depressed Classes in the way of peaceful enjoyment of their rights. The commonest form of obstruction is the social boycott. It is the most formidable weapon in the hands of the orthodox classes with which they beat down any attempt on the part of the Depressed Classes to undertake any activity if it happens to be unpalatable to them. The way it works and the occasions on which it is brought into operation are well described in the Report of the Committee appointed by the Government of Bombay in 1928 'to enquire into the educational, economic and social condition of the Depressed Classes (untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift'. The following is an extract from the same : *Depressed Classes and Social Boycott*.

" 102. Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the

Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

" The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessities of life by the village Bania. According to the evidence sometimes small cause suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

" We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the most dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

In the opinion of the Depressed Classes the only way to overcome this kind of menace to their rights and liberties is to make social boycott an offence punishable by law. They are therefore bound to insist that the following sections should be added to those included in Part XI of the Government of India Act, 1919, dealing with Offences, Procedure and Penalties:

I. OFFENCE OF BOYCOTT DEFINED

This and the following legal provisions are bodily taken from Burma Anti-

boycott Act, 1922 with a few with a few changes to suit the necessities of the case.

(i) A person shall be deemed to boycott another who— (a) refuses to let or use or occupy any house or land, or to deal with work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or (b) abstains from such social, professional or business relations as he would, having regard to such existing customs in the Community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution, ordinarily maintain with such person, or (c) in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.

II. PUNISHMENT FOR BOYCOTTING

Whoever, in consequence of any person having done an act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine or with both :

Provided that no offence shall be deemed to have been committed under this section if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

III. PUNISHMENT FOR INSTIGATING OR PROMOTING A BOYCOTT

Whoever—

(a) publicly makes or publishes or circulates a proposal for, or (b) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to, cause, or (c) in any other way instigates or promotes the boycotting of any person or class of persons, shall be punished with imprisonment which may extend to five years or with fine or with both. *Explanation.*—An offence under this section shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

(b) IV. PUNISHMENT FOR THREATENING A BOYCOTT

Whoever, in consequence of any person having done any act which he was

legally entitled to do or of his having omitted to do an act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such person is interested, to be boycotted shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both.

Exception.—It is not boycott—

(i) to do any act in furtherance of a *bona fide* labour dispute, (ii) to do any act in the ordinary course of business competition. *N.B.*—All these offences shall be deemed to be cognizable offences.

Condition No. III

PROTECTION AGAINST DISCRIMINATION

The Depressed Classes entertain grave fears of discrimination either by legislation or by executive order being made in the future. They cannot therefore consent to subject themselves to majority rule unless it is rendered impossible in law for the legislature or the executive to make any invidious discrimination against the Depressed Classes.

It is therefore proposed that the following Statutory provision be made in the constitutional law of India:

" It shall not be competent for any Legislature or Executive in India to pass a law or issue an order, rule or regulation so as to violate the rights of the subjects of the State, regardless of any previous condition of untouchability, in all territories subject to the jurisdiction of the dominion of India,—

(1) to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property,

(2) to be eligible for entry into the civil and military employ and to-all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State,

(3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres, and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed,

(4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion,

(5) to claim full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by other subjects regardless of any previous condition of untouchability and be subject to like punishment, pains and penalties and to none other."

Condition No. IV

ADEQUATE REPRESENTATION IN THE LEGISLATURES

The Depressed Classes must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. In view of this they demand that the following provisions shall be made in the electoral law so as to give them—

(1) Right to adequate representation in the Legislatures of the Country, Provincial and Central.

(2) Right to elect their own men as their representatives, (a) by adult suffrage, and (b) by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage.

N.B.—Adequate Representation for the Depressed Classes cannot be defined in quantitative terms until the extent of representation allowed to other communities is known. But it must be understood that the Depressed Classes will not consent to the representation of any other community being settled on better terms than those allowed to them. They will not agree to being placed at a disadvantage in this matter. In any case the Depressed Classes of Bombay and Madras must have weightage over their population ratio of representation irrespective of the extent of representation allowed to other minorities in the Provinces.

Condition No. V

ADEQUATE REPRESENTATION IN THE SERVICES

The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolized the Public Services by abusing the Law or by misusing the discretion vested in them in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equity or good conscience. This mischief can only be avoided by destroying the monopoly of caste Hindus in the Public Services and by regulating the recruitment to them in such a manner that all communities including the Depressed Classes will have an adequate share in them. For this purpose the Depressed Classes have to make the following proposals for statutory enactment as part of the constitutional law :—

(1) There shall be established in India and in each Province in India a Public

Service Commission to undertake the recruitment and control of the Public Services.

(2) No member of the Public Service Commission shall be removed except by a resolution passed by the Legislature nor shall he be appointed to any office under the Crown after his retirement.

(3) It shall be the duty of the Public Service Commission subject to the tests of efficiency as may be prescribed—(a) to recruit the Services in such a manner as will secure due and adequate representation of all communities, and (b) to regulate from time to time priority in employment in accordance with the existing extent of the representation of the various communities in any particular service concerned.

Condition No. VI

REDRESS AGAINST PREJUDICIAL ACTION OR NEGLECT OF INTERESTS

In view of the fact that the Majority Rule of the future will be the rule of the orthodox, the Depressed Classes fear that such a Majority Rule will not be sympathetic to them and that the probability of prejudice to their interests and neglect of their vital needs cannot be over-looked. It must be provided against, particularly because, however adequately represented, the Depressed Classes will be in a minority in all legislatures. The Depressed Classes think it very necessary that they should have the means of redress given to them in the constitution. It is therefore proposed that the following provision should be made in the constitution of India:—

British North America Act, 1867, sec. 93.

" In and for each Province and in and for India it shall be the duty and obligation of the Legislature and the Executive or any other Authority established by law to make adequate provision for the education, sanitation, recruitment in Public Services and other matters of social and political advancement of the Depressed Classes and to do nothing that will prejudicially affect them.

" (2) Where in any Province or in India the provisions of this section are violated an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial Authority and to the Secretary of State from any act or decision of a Central Authority affecting the matter.

"(3) In every such case where it appears to the Governor-General in Council or to the Secretary of State the Provincial Authority or Central Authority does not take steps requisite for the due execution of the provisions of this section then and in every such case, and as far only as the circumstances of each

case require, the Governor-General in Council or the Secretary of State acting as an appellate authority may prescribe, for such period as they may deem fit, remedial measures for the due execution of the provisions of this section and of any of its decisions under this section and which shall be binding upon the authority appealed against."

Condition No. VII

SPECIAL DEPARTMENTAL CARE

The helpless, hapless and sapless condition of the Depressed Classes must be entirely attributed to the dogged and determined opposition of the whole mass of the orthodox population which will not allow the Depressed Classes to have equality of status or equality of treatment. It is not enough to say of their economic condition that they are poverty-stricken or that they are a class of landless labourers, although both these statements are statements of fact. It has to be noted that the poverty of the Depressed Classes is due largely to the social prejudices in consequence of which many an occupation for earning a living is closed to them. This is a fact, which differentiates the position of the Depressed Classes from that of the ordinary caste labourer and is often a source of trouble between the two. It has also to be borne in mind that the forms of tyranny and oppression practised against the Depressed Classes are very various and the capacity of the Depressed Classes to protect themselves is extremely limited. The facts which obtain in this connection and which are of common occurrence throughout India are well described in the Abstracts of Proceedings of the Board of Revenue of the Government of Madras dated 5th November 1882, No. 723, from which the following is an extract:

" 134. There are forms of oppression only hitherto hinted at which **must be** at least cursorily mentioned. To punish disobedience of Pariahs, **their** masters—

(a) Bring false cases in the village court or in the criminal courts. (b) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.

(c) Have mirasi names fraudulently entered in the Government account against the paracheri.

(d) Pull down the huts and destroy the growth in the back-yards. (e) Deny occupancy right in immemorial sub-tenancies. (f) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.

(g) Under misrepresentations, get them to execute documents by which they are afterwards ruined. (h) Cut off the flow of water from their fields. (i) Without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.

"135. It will be said there are civil and criminal courts for the redress of any of these injuries. There are the courts indeed; but India does not breed village Hampdens. One must have courage to go to the courts; money to employ legal knowledge, and meet legal expenses ; and means to live during the case and the appeals. Further most cases depend upon the decision of the first court; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathize with the wealthy and landed classes to which they belong.

"136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution."

There can be no doubt that in view of these circumstances the uplift of the Depressed Classes will remain a pious hope unless the task is placed in the forefront of all governmental activities and unless equalisation of opportunities is realized in practice by a definite policy and determined effort on the part of the Government. To secure this end the proposal of the Depressed Classes is that the Constitutional Law should impose upon the Government of India a statutory obligation to maintain at all times a department to deal with their problems by the addition of a section in the Government of India Act to the following effect:—

" 1. Simultaneously with the introduction of this Constitution and as part thereof there shall be created in the Government of India a Department to be in-charge of a Minister for the purpose of watching the interests of the Depressed Classes and promoting their welfare.

" 2. The Minister shall hold office so long as he retains the confidence of the Central Legislature.

" 3. It shall be the duty of the Minister in the exercise of any powers and duties conferred upon him or transferred to him by law, to take all such steps as may be desirable to secure the preparation, effectively carrying out and co-ordination of measures preventative of acts of social injustice, tyranny or oppression against the Depressed Classes and conducive to their welfare throughout India. " 4. It shall be lawful for the Governor-General—

(a) to transfer to the Minister all or any powers or duties in respect of the welfare of the Depressed Classes arising from any enactment relating to education, sanitation, etc.,

(b) to appoint Depressed Classes welfare bureaux in each province to work under the authority of and in co-operation with the Minister."

Condition No. VIII

DEPRESSED CLASSES AND THE CABINET

Just as it is necessary that the Depressed Classes should have the power to influence governmental action by seats in the Legislature so also it is desirable that the Depressed Classes should have the opportunity to frame the general policy of the Government. This they can do only if they can find a seat in the Cabinet. The Depressed Classes therefore claim that in common with other minorities, their moral rights to be represented in the Cabinet should be recognized. With this purpose in view the Depressed Classes propose:

That in the Instrument of Instructions an obligation shall be placed upon the Governor and the Governor-General to endeavour to secure the representation of the Depressed Classes in his Cabinet.

APPENDIX II

REPORT OF SUB-COMMITTEE No. III (MINORITIES)

These are some of the paragraphs of the Report related to the interests of Depressed Classes which have been approved by the Committee of Whole Conference on 19th January 1931

3. One of the Chief proposals brought before the Sub-Committee was the inclusion in the constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights (Dr. Ambedkar called attention to the necessity of including in the constitution sanctions for the enforcement of the fundamental rights, including a right of redress when they are violated).

4. Whilst it was generally admitted that a system of joint free electorates was in the abstract consistent with democratic principles as generally understood, and would be acceptable to the Depressed Classes after a short transitional period, provided the franchise was based on adult suffrage, the opinion was expressed that, in view of the distribution of the communities in India and of their unequal economic, social and political effectiveness, there was a real danger that under such a system the representation secured by minorities would be totally inadequate, and that this system would therefore give no communal security.

5. Claims were therefore advanced by various communities that arrangements should be made for representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three (1)

nomination, (2) joint electorates with reservation of seats, and (3) separate electorates.

8. The discussion made it evident that the demand which remained as the only one which would be generally acceptable was separate electorates. The general objection to this scheme has been subject to much previous discussion in India. It involves what is very difficult problem for solution, viz. what should be the amount of communal representation in the various Provinces and in the Centre; that, if the whole, or practically the whole, of the seats in a legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the representatives of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

12. There was general agreement with the recommendation of Sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that on the same grounds Mohammedans should be represented on the Federal Executive (Dr. Ambedkar would add the words, " and other important minorities " after the word " Mohammedans "). On behalf of smaller minorities, a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible in each Cabinet, there should be a Minister specially charged with the duty of protecting minority interests.

13. As regards the administration, it was agreed that recruitment of both Provincial and Central Services should be entrusted to P. S. Cs., with instructions to recruit the claims of various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

16. It has also been made clear that the British Government cannot with any chance of agreement impose upon the communities an electoral principle which, in some feature or other, would be met by their opposition. It was therefore plain that, failing an agreement, separate electorates with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

18. The Minorities and Depressed Classes were definite in their assertion

that they would not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.

5

IN SUB-COMMITTEE No. VI (FRANCHISE)

Second Sitting—22nd December 1930

Dr. Ambedkar: It seems to me that there are only two important questions which this Round Table Conference is going to consider. One question is whether India should have responsible Government, and the second question is to what people that Government should be responsible.

In the Plenary sessions we all joined in one chorus in demanding that India should have a responsible form of Government, and I for one, speaking on behalf of the Depressed Classes in that Plenary session, joined with my friends sitting opposite in demanding responsible Government for India. When I did so, however, I was under the impression that the Indian people who came to represent their country at this Round Table Conference were not only united in making a demand for responsible Government for India but were also united in the view as to whom that Government should be responsible.

I am sorry to say, Sir, that I have been deluded. I find now that although some of our people would desire me and others to join them in their demand for Dominion Status, they do not join with us in demanding that the Government which will be set up under that Dominion Status shall be responsible to the people of India as a whole. I never thought there would be this division of opinion, and that I should have to stand up to defend the position we take.

Now, Sir, speaking on behalf of the Depressed Classes I cannot honestly consent to responsible Government or to Dominion Status unless I can be sure that the people for whom I speak are to have a place in that constitution. I must make that fact plain to all my friends. As an objection has been raised to the proposal for adult suffrage by some of my friends, I propose to deal with the arguments brought forward against it.

One of the arguments brought forward was that we should follow the precedent laid down in this country, that adult suffrage should be reached by stages. It is suggested that we should follow the stages adopted in this country from 1832 to 1918. Those who take their stand on the political history of enfranchisement in this country seem to think that there was some philosophical course of action thought out by the English people in devising the steps that were taken by them in enfranchising the people from 1832 onwards, that they had decided before hand that they must enfranchise only a

limited number of people in 1832 that otherwise it would be philosophically wrong; that they should take the next step only in 1867, and not in 1866; that they should take the next step in 1884 and not in 1867. I do not know whether those who use that argument believe that there was any philosophic belief behind that fact. But I should like to point out to my friends, those who base their arguments upon this fact, that if you read the political history of England, you will find that not only was there no philosophical belief which determined the stages that were taken by the British people, but the question of franchise was treated in this country as a mere matter of party politics: that each party tried to extend the franchise because it thought that as a political catch-word it would influence and augment that party. Perhaps that will be news to my friend who used that argument, and, I must say, always uses it with satisfaction to himself, feeling that he is placing an insuperable obstacle in our path. We will be perhaps pleased to find that one of the great steps in the political enfranchisement of the people of England was taken by a Conservative Government in this country, and not by the Liberals or the Radicals.

The second thing I should like to point out to my friend is this. Does he really mean to tell us that because the franchise in this country was limited, that, therefore, the Government produced under that franchise was a good Government, a Government the object of which was the welfare of the people and the prosperity of the masses ? Is that the inference he wants to draw from that fact ? That because the franchise was limited, that, therefore, there was no trouble, and that everybody was satisfied in this country ? Surely that is not the case. If my friend will only take the trouble of reading the life of Lord Shaftesbury, and the social and political history of England, he will certainly find that the unreformed Parliament was not a blessing to anyone.

Thirdly, I should like to point out to my friend, if he really is serious and if he really believes what he says, that the people of India ought not be given adult suffrage, because they are not fit for it, that the only alternative for him is to go back to India and not to demand Dominion Status or responsible Government, for surely, if it is the view of the gentleman who puts forward this case that the Indian people are not fit to exercise the franchise, are not fit to take upon themselves the responsibilities of Government, then I do not understand in whose name he asks for responsible Government. Is it for this class ? Is it for himself ? For whom is it ? The only argument, as I understand in favour of responsible Government and in favour of Dominion Status, is the assumption which must constitute the basis of any such argument, that the people of India are fit to undertake the responsibility of Government. If my friend does not believe that the Indian people are capable of exercising that

responsibility, then the only conclusion is that the Indian people cannot have Dominion Status and cannot have responsibility.

The second argument that was brought forward was that, although adult suffrage may be an ideal, it cannot be brought into effect at the present moment, because we have not the machinery to give effect to it. Now I have great sympathy with that argument, but I should like to point out that there are considerations in opposition to that view. Let us understand what the franchise does really mean. Surely the franchise does not mean a mere matter of the ballot box, does not mean a mere matter of polling booths and the placing of polling officers there. The franchise means something more vital than that. Now, Sir, as I understand it, to me the suffrage and the franchise are nothing else but the right of self-defence; it means that you will create a legislature which will have the amplest power of passing laws which will affect the life, liberty and property of the people. Surely, if that is going to be the position, if your legislature is going to have that power of affecting your life in these most vital matters, then surely every individual who is going to be subject to that legislation ought to have the power to defend himself against laws which will probably in the circumstances invade his liberty, invade his life and his property. It is not a mere question of the ballot box; it is not a mere question of polling booths.

May I put it in a different way ? If I understand the franchise, I understand it to be the right to regulate the terms of what one might call associated life in society; that is the essence of the franchise. When you give a man the franchise, what you mean is that you give him power to regulate the terms on which he will live in relationship with other individuals in society. Now, if that is the meaning of the suffrage, surely you cannot give the higher classes, the intellectuals as they are called, or the propertied classes, the power to regulate the terms of associated life, and leave the lower classes at their mercy. They, too, must have the power to regulate the terms of associated life. Just as the capitalist must have the power, if he is to have any constitution, to dictate how he shall live on terms of associated life with the labour, surely the labour is entitled also to have the power to regulate the terms on which he shall live with his capitalist master. It cannot be a one-sided bargain ; it must not be a one sided bargain. If you understand the franchise in the right sense of the word, then it seems to me the franchise is something which must be regarded as the inherent right of every individual in the State; and if you understand that the franchise is the inherent right of every man or woman who is capable of understanding it, then surely you cannot make an inherent right of a people dependent upon the convenience of your administration.

My friend used that argument, that we must not have adult suffrage because we shall not have polling booths and polling officers. I should like to remind him of what would be the situation if he were told that he had been wronged by an individual, that he had a good case which, if he brought it to the Court would certainly succeed, but that he could not be given redress because we had not sufficient judges in the High Court. How would he like that position ? Surely, if the franchise is an inherent right, and if there are administrative difficulties in the effectuation of that franchise, then the remedy is not to curtail the franchise, but the remedy is to provide the necessary machinery, so that every man or woman capable of enjoying, that franchise shall be in a position to give effect to it.

Sir, it seems to me that the difficulties of administering the franchise-which have been placed before us arise from two different sources. We are told that the constituencies in India are very vast; and, surely, as we see from the Report of the Simon Commission, they are of a most fabulous character. It is said that if you increase the number of electors in the existing constituencies, as they exist today, the whole machinery will break down. My submission to this Conference is this : Surely this difficulty can easily be met. It seems to me this difficulty can be met in this way. It seems to me that the difficulty arises largely because of the composition and strength of your Legislative Councils today; that composition is so-very limited that you cannot help having the large constituencies that you have today. It seems to me that from the standpoint of numbers the existing strength of the legislatures in the Provinces is ridiculous. Let us have the figures for a moment before our mind's eye. I find on comparison that Madras, Bengal and the United Provinces have more or less the same population as France, Great Britain and Italy. The Madras Legislative Council consists of 132 members; the Bengal Legislative Council consists of 140 members; the United Province Legislative Council consists-of 123 members. On the other hand, France has a Lower Chamber which consists of 626 members; Great Britain has somewhere over 600, and Italy has 560 members. Take, on the other hand, Bombay and the Punjab, which are more or less on a par in the matter of population. Bombay has 114 members; the Punjab has 94. Bombay and the Punjab are more or less equal in population to Spain; if you take the Lower Chamber in Spain, you find it consists of 417 members. I know it is not in existence now, but that is another matter. It is a matter of constitution. In France it is in existence with a large number. Then take the Central Provinces in which the Legislative Council has 73 members. I find that the population of the Central Provinces is equal to that of Yugoslavia. Yugoslavia has 313 members. Assam has 53 members; in population it is equal to Portugal, and

Portugal has 146 members.

Now, surely if you are going to cramp these vast aggregations of people into Legislative Councils which do not exceed 140 in membership, you are bound, as a result, to have very large constituencies. Why are you afraid of increasing the numbers in the Legislature ? I cannot understand it. If you are not afraid, and if you follow the parallels in other countries, then surely you can very easily reduce the size of the electorates, and thereby remove one of the difficulties that is said to exist in the matter of adult suffrage.

Then another difficulty which was pointed out was that it was said we should not have a sufficient number of polling officers. Now that difficulty to my mind also does not seem to be of a very serious character. It seems to me that if all the college students in India could be drafted into the service of the electoral departments, this difficulty could be very easily solved. Some of my friends on the other side laugh at it, but I do not know why. I know, as a matter of fact, that in the census all college students, and school boys also, help the census department in carrying on the enumeration. If, for instance, the same system were adopted on the polling day, if all the college students were asked to help in this matter and I have not the slightest doubt that they would come to the rescue of the department, then surely we should have more polling officers than we need on the occasions of this sort.

It seems to me, therefore, that the difficulties of the situation are not insuperable. Let me point this out to my friends opposite who object to adult suffrage on this ground. It seems to me their position is of a some-what curious character. Where a member of the British Delegation raises a difficulty, and says there are heaps of difficulties in the way of India, and, therefore, India must not have .Dominion Status or responsible Government, the gentlemen sitting opposite would not allow the English gentlemen to take advantage of the difficulties; they would tell him at once: " Why, you bolster up difficulties to put down our claims. These are difficulties which surely can be met." Let me tell him that we on this side are also not prepared to allow you to take advantage of this difficulty. We say that if there are difficulties in the way of getting the power in our hands, those difficulties ought to be solved. We are not going to let you have the advantage of the situation.

Sir, so far I have dealt with the arguments which have been presented against adult suffrage. Now let me put one or two arguments which I think are in favour of adult suffrage, and which in my opinion, are more or less decisive. The first argument that I will put is this, that you cannot have in India any system of suffrage short of adult suffrage which will give equality of representation to all the castes and communities in India; there is no other system you can devise for India which will give that result. Take, for instance,

the existence of constituencies. In Bengal and in the Punjab the Mohammedans form a majority of the population. You have in Sind also, as apart from Bombay, the Mohammedans in a majority. Now what is the state of the Mohammedan communities in these Provinces ?

I am putting this as a feeler: My Mohammedan friends may take their stand apart from this: I am putting it as a case. What is the position of the Mohammedan communities in these Provinces under the system of franchise that we have today. The Mohammedans in Sind form something like 70 per cent of the population ; and yet, if I am not very much mistaken, their voting strength is only 49 per cent. Take, for instance, again Bengal and the Punjab; there again the Mohammedans pre-dominate in population, and yet in the voting list they are in the minority. Take again the Depressed Classes; under the existing franchise they are nowhere at all in the electorate. I think it is a most disgraceful thing to have a franchise of this sort. You have to remember one thing: that Indian society is composed of so many castes and creeds and those castes and creeds are not related to each other in what one might call the vertical perpendicular, so that if you chop-off this mass at any particular point you get a part which is representative of all the communities in an equal degree. On the other hand, if I may put it so, they are related in such a manner that the parallel grains are, so to speak, placed horizontally one on the other, so that if you chop at any particular point you get a part which is representative of one single community only or at the most two, and the rest are not represented at all. Now surely you do not want to create a system of political Government in which only some castes and some communities will predominate. Surely you do not want to create in India a South Africa where only some people will have the vote and the rest will not. I say, if you are interested in giving every man a vote, in giving every man the political franchise, so that he may work out his destiny, then you cannot have any other system of franchise in India than that of adult suffrage.

Now, let me give you another example. As I say, I am not opposed to female suffrage, and I am very obliged to our lady colleague, Mrs. Subbarayan, for supporting us in this matter. I will go with her wholeheartedly. Let me point out one or two illustrations of what has been suggested by way of enlarging and broadening the franchise. It is suggested that there should be a franchise of literacy. I do not propose to call it a fancy franchise, but let me tell you what will be the effect of it. The effect of it would be this: that some communities would have their voting strength almost doubled, while other communities would stand where they are. Literacy in India is so unevenly distributed, that some communities would have all the increase of the franchise added to their stock, while other communities would

remain where they are. Surely you do not want to create that sort of situation.

Therefore my submission is, that if this Conference and the members who are assembled round this table are true to their creed, believe that India must have responsible Government, and that Government must be responsible to the people, then I submit there is no alternative to adult suffrage. Then, Sir, there is one more consideration that I would like to point out, that seems to me to be a most decisive consideration in this matter. We all of us know that the question of joint versus separate electorate is a most thorny question; it seems to me to be a very crucial question. May I point out to this Conference that, at least in my opinion, the question of joint versus separate electorates is inextricably bound up with the question of franchise. You will not ask any minority in India, you will not compel any minority in India, and you will not get the consent of any minority in India, to agree to joint electorates unless that minority has adult suffrage. I am not going to place myself under the thumb and authority of any majority Government, unless I am certain that I can exercise in the elections electoral power which is commensurate with my social power. Unless I know that every man and every woman in the Depressed Class community will be able to exercise the vote and to determine the destiny of the candidate who is going to represent the mass of people in the country, I certainly am not going to consent to joint electorates; certainly not. I am not going to place myself in a minority position; I am not going to allow the majority to select my candidate. No, under no circumstances. And I think what is true of my minority may also be true of the Muham-madans. I do not wish to say something that I shall have to say in another Committee, but the point is so relevant that I cannot help making a reference. You cannot in fairness ask the Mohammedans of Bengal or the Punjab to accept joint electorates unless you place them in a majority in the electorate. You cannot deny the franchise to the Mohammedans, make a minority of them in the electoral power, and then say, " Come along and have a joint electorate ".

The decisiveness of this fact was acknowledged by the Nehru Committee and by three members of the Indian Central Committee.

Let me, before I conclude, make one or two remarks to my friends who will not give us adult suffrage. I made it plain at the beginning of my speech that we make the question of the grant of responsible Government to India not entirely dependent on this question. Although I know that my friend and I are only two in a Conference of 80 or 90, we represent 43 millions of people.

Diwan Bahadur Ramachandra Rao: Would Dr. Ambedkar accept the proposal of Lord Zetland ?

Dr. Ambedkar: We might accept the principle. But may I say that I am

receiving hundreds of letters and telegrams on the subject I have brought forward. It is a crucial thing.

Sir P. C. Mitter: What about the Central Legislature ? Does he want adult suffrage, and what size does he want the Legislature to be ?

Dr. Ambedkar: That will be a question to be decided later on. The Central Legislature, I think, ought to consist of 500 members.

Sir P. C. Mitter: And adult suffrage also ?

Dr. Ambedkar: Yes.

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Sir Cawasji Jehangir: All these suggestions, I may say so with due respect to the Begum, emanate from the feeling that the franchise is the foundation of the representation in the Councils. That is so in all countries.

But where we have introduced the principle of weightage for communities, that principle does not hold good.

Colonel Gidney : I will now make a concrete suggestion, and my concrete suggestion is this, that in adopting the scheme suggested by Lord Zetland we should go in for direct and for indirect election. So far as direct election is concerned, I suggest there should be no further broadening of the franchise, and that the present franchise should remain as it is.

Dr. Ambedkar: No.

Colonel Gidney: That is all right.

Sir Cowasji Jehangir: That should return a certain number of representatives to the Legislature, both for urban and for rural constituencies. A large number of the population will remain without the direct vote, and for that whole block of the population the franchise should be broadened. It should be on the basis of 25 per cent of the adult population, and they should return their representatives by the indirect system of election both in rural and urban areas. I make no distinction between the two. That will bring in industrial labour as well as agricultural labour.

Dr. Ambedkar: It will not bring in anything of the sort.

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Dr. Ambedkar: Sir, this morning I said what I need say regarding the question of franchise; but, without prejudice of what I have stated this morning, I should like to examine the suggestions which are put forward before this Committee for the purpose of extending the franchise. I take it that this Committee is agreed that the ideal is adult suffrage. Some of us think that it ought to be realised immediately; the rest of our friends think that it ought to be evolved by stages. We have therefore put before us two concrete

suggestions. One suggestion is that we should adopt the system of instalment and increase the suffrage by a graduated scheme of 25 per cent addition to the existing voting list, say at an interval of a certain number of years. We have on the other hand the suggestion of our noble friend the Marquess of Zetland in which also effect is sought to be given to some realisation of this ideal of adult suffrage.

Now, comparing the two, I cannot help saying that I have a partiality for the suggestion of the noble Lord, although, as I say, I hold strongly that we must have undiluted adult suffrage. If it were a mere matter of choice between the two, I should certainly like to have a system which immediately lays the foundation of adult suffrage in preference to a system which gives some sort of suffrage to only a class of the people and postpones the fact of self-Government to a large mass for a time to come. But, having said that, I cannot, as I say, give whole-hearted support to the suggestion, because I find there are certain difficulties. But, because I think that probably the noble Marquess will come to our help in meeting the difficulties which some of us feel, I propose to make one or two observations. One thing I see: that if this system of indirect elections by groups is adopted, it seems to me the Depressed Classes probably will not fare better under that system. I say that for this reason: the Depressed Classes are scattered throughout India in small numbers in every village; their life is practically dominated on all sides by powerful bodies of villagers who hold over them social and economic sway. It is possible, and I think it is also probable, that when this indirect election comes to be applied to them, such an amount of pressure may be applied by the village community on the Depressed Classes that, in exercising their vote, so to say, in the primary election, they may be compelled to select people who may not be their best representatives. That is a fear which I certainly have.

Another thing which I find is that if this system is to be adopted in preference to the graduated system of extending the vote by instalments, I do not understand why we should confine this to the propertied class or to any other class ; I do not see why we should not extend the system in such a manner that adult suffrage should become the foundation of the system.

A Member: That is the intention.

Dr. Ambedkar : I am glad to hear that. With regard to the difficulties that have been suggested, that this would complicate the matter of separate electorates, I do not think it will, because with indirect election you can still maintain separate registers for such communities as may desire to have them. I do not think that will create any difficulty in the matter.

But, as I say, we cannot, for instance, give support to this principle unless

we know really how this principle is going to work in practice, unless we know all the details about it. My concrete suggestion, therefore, is that this Committee should appoint a small Sub-Committee in order to consider this system and to report upon it, so that we may be better able, with full knowledge and information, to recommend this to a Franchise Committee that may hereafter be left to work out the system. It seems to me in its raw form, if the noble Lord will excuse my using that expression, it is somewhat difficult, and it is too much of a large order for anyone of us—speaking, at any rate, for myself to give out support to this principle

Mr. Basu: But is it necessary to put a maximum figure at all, because the Franchise Committee will be there, they will have to consider it and go into details. I think we should put the minimum figure; that is all that is required. As regards the maximum, they may decide as to what the maximum should be.

Dr. Ambedkar: I should like to make the observation with regard to the first paragraph in your summarisation. I should like to have it stated in the paragraph which you have drawn up that the opinion of the Committee was that the extension of the franchise should be limited by considerations of administration and machinery. That was the only limitation that we thought should be put in.

Sir C. Setalvad: It is not merely administration ; there are other considerations as well.

Mrs. Subbarayan: What is practicable ?

Dr. Ambedkar: Practical means machinery. I mean the Committee might find that it was practicable with the present machinery that 50 per cent of the population should be enfranchised.

Mr. Zujrulluh Khan: Do you mean 50 per cent of the total population ?

Dr. Ambedkar: Yes.

Mr. Zufritllah Khan: That would be slightly more than universal adult franchise.

Chairman: It is suggested that we should leave out the maximum. The whole thing is conditional on the expert Committee finding it practicable and desirable; so that we need not have a maximum. Let us leave out the maximum. Does anyone wish me to read it again ?

Mr. K. T. Paul: If you leave out 25 per cent, if it weakens our statement I would not agree to it.

Chairman: It does not weaken it.

Mr. Chintamani: Very often in these matters when a minimum is stated it comes to be a maximum in actual practice. If we indicate the figure

10 per cent in our Report, it will show the Franchise Committee that is appointed that we should be contented if they secure a maximum of 10 per cent. Those of us who mentioned the figure of 25 per cent did so as a sort of unsatisfactory compromise between the present position and adult franchise. I, for one, shall not be happy if you take it out.

Mr. Foot : Mr. Chintamani mentioned 25 per cent of the adult population ?

Mr. Chintamani: Of the total population.

Mr. Foot: I beg your pardon.

Mr. Joshi: Sir, I am very sorry to say that you should not put down in the Report that the suggestion is a unanimous one, because I for one would not agree to it, and I reserve to myself the right of re-opening the question of adult suffrage in the full Conference.

Dr. Ambedkar: That is my position too.

Mr. Joshi: It should be put down in the Report.

Dr. Ambedkar: It would be a second best, provided we knew it was going to work. (Universal adult suffrage.)

Chairman: Subject to that, are the rest of the Committee agreed?

Sir C. Jehangir: I cannot agree to this figure, 25 per cent until we have the whole of the facts before us.

Chairman: We are suggesting that an expert Franchise Committee be set up.

Sir P. C. Mitter: Before we fully know the facts it would not be right for us to commit ourselves.

Chairman: It would not do for us to hand over our job to the expert Franchise Committee. We are in the unfortunate position of having to make some recommendation, and we cannot say that we recommend merely that somebody else should take over our job.

Sir P. C. Mitter: I am expressing only my own personal opinion. I suggest to the Franchise Committee that there should be an increase, as large an increase as possible, and I would not have objected to 10 or 20 or 50 per cent. If I know all the facts before hand on which to base an opinion.

Chairman: Would you like, Sir Provash, to put in such qualification as you desire, to the effect that any recommendation both as to maximum and minimum should be entirely subject to the discretion of the Franchise Committee ? I feel that we ought to give that Committee some guidance. However, we have got near enough now, and we will take an opportunity of speaking with you about this afterwards.

Mr. Chintamani: I do not know, Sir, whether you will agree to what I am about to suggest, but there is also before us an important proposal that the

Franchise Committee should be asked to devise such qualifications as will ensure, as far as possible, the same proportion of voters to population in the different communities. This was proposed by the Simon Commission, and it has been supported by several local Governments. Could that be considered new ? If the Franchise Committee find it not possible they will reject it.

Chairman: I think it comes under the next head, namely, " general basis of franchise, (i) Should the franchise qualifications be the same for all communities in the same area ? " I call your attention to those words " in the same area ". Do not let us embark now on the subject of women's suffrage or anything of that sort.

Sir P. C. Mitter : I thought from what you ruled that the special interests and communal interests came under the Minorities Committee.

Chairman: We shall very likely know more about that after tomorrow. For the moment we are discussing the general basis of the franchise, and whether the qualifications should be the same for all communities.

Diwan Bahadur Ramachandra Rao: You said that you would speak to the Prime Minister and let us know whether this matter came within the province of our Committee or of the other.

Dr. Ambedkar: I should like to make one proposal. Although the question of universal adult suffrage has been pointed out by certain members of this Committee to be for the present not possible or practicable, it seems to me that it *may* be possible to have, at any rate, adult suffrage for the Depressed Classes. There is no reason why, for instance, all communities should have the same franchise—in fact, there may even be cases which we find in the practical affairs of life, that in order to reach equality of status, we may have to adopt, so to speak, methods of inequality. In the matter of treating the richer class as against the poorer, for example, we do enact certain special measures for the benefit of the latter. We tax the richer class at a higher rate than the poorer, the object being that the principle of ability to pay the tax may be realised in practice. I think that the same consideration might be applied to the Depressed Classes. If the object of the Committee is that all communities should be represented in equal proportion in the electorate, there is no reason why one class of people may not be treated differently from another class of people if a different sort of treatment is the only means available for the purpose. It seems to me that if, for instance, adult suffrage were applied to the Depressed Class and not to other communities, but other communities had a system such as Lord Zetland has suggested, it would not be in reality any difference at all, and it would not put any great pressure on the electoral machinery available in the Provinces, having regard to the peculiar position of the Depressed Classes, and having regard also to the consensus of opinion

that no other system of franchise would give them the vote and without the vote there would be no solicitude expressed for them by any candidate who stands for the Legislature at the present time. I think that the Committee would not do any great harm if it recognised the application of this principle to the Depressed Classes.

Third Sitting—30th December 1930

Chairman: We are now discussing the question of the educational qualification. I may just remind you that the second conclusion to which we came was this: " We recommend that in any given area the franchise qualification should be the same for all communities, but we desire that the Expert Franchise Committee, in making their proposals, should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its population and this Committee should so contrive their franchise as so far as practicable to bring about this result." I am afraid that is rather a counsel of perfection, but at the same time the only way in which we can possibly expect them to carry that out is if we give them a certain latitude; that is manifest. Therefore, in considering all these questions of educational qualifications and so on, you have to remember that unless you authorise the Franchise Committee to take these into account, you are restricting and not enlarging their possibility of action.

Dr. Ambedkar: I should like, if I may, to ask one question with regard to the conclusion which you, Sir, have read out, and at which you said the Sub-Committee had arrived. Does that conclusion imply that the Franchise Committee will have the liberty to consider a variety of franchises for different communities, to arrive at the result that the voting strength shall be proportional to the strength of those communities ?

Chairman: I do not think that is it. We have to give guidance to the Franchise Committee; they will fill in the details. We are, as it were, the architects, and they are the masons and builders.

Dr. Ambedkar: I understand that, but what I should like to know is whether that conclusion gives liberty to the Franchise Committee to have a different franchise for the different communities with the object of securing equality.

Chairman: No. The first sentence says that we recommend that in any given area the franchise qualification should be the same for all communities.

We will now proceed with our discussion on the educational qualification.

Mr. Jadhav : Would any Legislative Council have the power to go back after ten years and restrict the franchise ? Some of them might wish to do that.

Chairman : Their powers would be powers of extension, not of diminution.

Dr. Ambedkar: I should like to say a word on this subject, without prejudice to the position we have taken all along. It seems to me that as compared with the alternatives which have been suggested, one by Mr. Joshi that there should be some law providing for automatic extension, and the other, the main proposal, that the matter should be left to the sweet will of the legislatures, the recommendations made by the Simon Commission seems to me to be better and to be more readily acceptable from my point of view. It might be much better, as I say, to have some authority which will investigate at the end of a definite period exactly what has been the result of the working of the franchise up to that period. That body will be able to see what disparity there has been as between the different provinces. That body will be able to see what is the machinery existing at the end of the ten years, in order to cope with the elections if the franchise were to be altered, and that body, being impartial itself, will be able to deal with the rights of the mass of the people much more readily, in a much more just and equitable way, than the class-conscious people who may be installed as a result of the limited franchise which we are introducing today. For these reasons it seems to me that the proposals of the Simon Commission are better than the alternatives.

Sir Cowasji Jehangir: Who is to set that up ?

Dr. Ambedkar : Just as Parliament in the Act suggested that there should be a Public Service Commission, so it could be suggested that there should be the appointment of a Committee.

Sir Cowasji Jehangir : By the Central Government ?

Dr. Ambedkar: Yes.

Chairman: I think I know enough now to draft a Report on this subject, but I should like to know what is your view—not that we shall here and now recommend that any Expert Franchise Committee or any other Committee should be set up after 15 years, say, but in view of possibility that one Province might extend its franchise much more generously than another, so that the whole thing might get out of step, ought we to contemplate the possibility of anybody being constituted to look into the matter then, to try and adjust things, or shall we merely content ourselves with leaving things to the Provinces, or ought we to follow Dr. Ambedkar's idea of a Committee? We need not say that it has to come into being, or when it is to come into being, but that it might function if it came into being.

Mr. Basu: At any period when the Central Government desired to appoint a Committee.

Chairman: We will not say how it is to be appointed, but what do you say about the possibility of appointing such a body ?

Diwan Bahadar Ramachandra Rao: I think the Government of India should set up such a body, not that Parliament should set up such a body.

Dr. Ambedkar: What difference does it make?

Diwan Bahadar Ramachandra Rao: We are leaving great freedom in all these matters. I would like to eliminate parliamentary control. I should like to know what the proposal is. If you say that after a number of years it shall be competent for the Government of India to appoint a Committee to look into this question in the whole of the Provinces, I shall have no objection, but if it is a question of Parliament going into this question again in ten years, I object to it entirely. I have no objection to the Committee being appointed by which the franchise will be extended, but I should like that power vested entirely in the Government of India and to be exercised at its discretion whenever there is necessity for such a thing within a certain number of years, or after a certain number of years.

Dr. Ambedkar: How has it any bearing on the functions of this Subcommittee whether this Committee is appointed by Parliament or by the Government of India?

Diwan Bahadar Ramachandra Rao: We are devoluting authority to India from Parliament, because in 1919 when this question came up before the Parliamentary Committee, I and several others with me contended that there should be devolution of questions like this to authorities in India; and because such a step was not taken, we are now confronted with the accumulated complaints about franchise which are now being investigated and they could not be investigated because parliamentary permission was required. Therefore I suggest that any step taken in that direction should be devolution of complete power to the Government of India, to be exercised at its discretion to go into the whole question of franchise in a certain number of years. That is a point upon which I really desire to lay some stress.

Dr. Ambedkar: It is now evident, at least to myself and some of my friends, that we shall have to record a note of dissent from certain propositions that will be placed before the Sub-Committee. Will it be permissible for us to submit to you a note of dissent on the various points, which you may be kind enough to append to the; report, or will you allow us some other method ?

Chairman: I do not think that up to the present any of the Sub-Committees have appended minority reports, as it were; I think the report of the Sub-Committee has been one report, but has indicated on its face that certain members—naming them if necessary—have dissented.

Dr. Ambedkar: I should like, with your permission to point out one disadvantage which I see in that procedure. If we are not allowed to record

our minute of dissent, you do not give us an opportunity to put our suggestions in a concrete form, which we should like to do if we may be allowed to do so. We are allowed the negative liberty of saying we do not agree, and that is all.

Chairman: I am not sure we cannot meet you. I think you have made your objection quite clear. What you want really is adult suffrage, and I think we have got a sentence in to indicate that certain members of our Sub-Committee—naming them—objected to this because they thought the system of adult suffrage was the only satisfactory system. That states the point.

Dr. Ambedkar: What we should do would depend on the report.

Chairman: Let us leave the difficulty until it arises, and then see if we cannot meet you. I think we can.

Fourth Sitting—1st January 1931

DRAFT REPORT—POINT 4

4. *Extension of the Franchise:* While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable. Some difference of opinion existed as to the extent to which this was *practicable* in present circumstances, and it was realised that the Subcommittee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to ten per cent of the population. Some of our members thought that an increase to twenty-five per cent of the adult population was immediately practicable.

We recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than ten per cent of the total population and indeed a larger number—but not more than twenty-five per cent of the total population—if that should, on a full investigation, be found practicable and desirable.

We recommend that, in addition to providing for this increase the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20, for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

(Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar and Mr. Srinivasan regard these proposals as only " second best " and consider that the immediate

introduction of adult suffrage is both practicable and desirable.

Sir Cowasji Jehangir Sir P. C. Mitter and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered.)

Discussion on point 4 of Draft Report

Dr. Ambedkar: I beg to move an amendment to paragraph 4, namely. that in the second section, line 2, to add the following words after the word " practicable "—" with the electoral machinery available in present circumstances ". It would then read " Some difference of opinion existed as to the extent to which this was practicable with the electoral machinery available in present circumstances." *Several Members:* There are other grounds.

Dr. Ambedkar : That is my amendment. I leave it to the Chairman as the best judge to sum up the sense of the Committee, but the impression that was left upon my mind was that the majority of those who opposed universal adult suffrage as being practical politics for the immediate future did so mainly upon the ground that there was not sufficient electoral machinery in India to cope with the situation if everybody was allowed to vote.

Chairman : I do not think myself, Dr. Ambedkar, that was the sole ground on which the matter was put. It was one of the main grounds, but in recording the view of the Committee I do not think we should limit ourselves to saying that that was the sole ground. For instance, the difficulty of communications, and the lack of facilities for travel, and so on, were also very much stressed.

Dr. Ambedkar: I would rather like to have it made clear in the Report.

Mr. Joshi: You might put in some such words as " practical electioneering difficulties ".

Sir Cawasji Jehangir: But there are other objections.

Mr. Joshi: We are talking of the general majority, and not of those people who do not want to vote on principle.

Chairman: I think what is already stated meets the point. After all, you and Mr. Joshi come in under the note at the end.

Dr. Ambedkar: I quite see that. Although we stand for the ideal, we may have to accept the second best, but we should like to have the second best as good as it can possibly be made. I think my point ought to be made clear, so that the expert Franchise Committee might consider it.

Chairman : I do not think that would meet the majority of the Committee. I think the majority of the Committee would rather feel that the words should not be qualified. Very well.

Now what about the next sentence beginning, "We recommend that an Expert Franchise Commission should be appointed with instructions to

provide for the immediate increase of the electorate so as to enfranchise not less than ten per cent of the total population and indeed a larger number—but not more than twenty-five per cent of the total population—if that should, on a full investigation, be found practicable and desirable."

Dr. Ambedkar: I have an amendment on page 3. Instead of the words " but not " I should like to have the words " and even substituted ".

Chairman: Many of us felt, and I am one of them, that an immediate increase of twenty-five per cent was straining it somewhat, and I do not think we should be asked to strain it further. Again, you come in under your reservation. Dr. Ambedkar.

Dr. Ambedkar: My second amendment is to strike out the words "and desirable ". This matter, whatever increase is desirable or not, is really one which must be decided by this Committee. It cannot be decided by the Expert Franchise Commission. That Commission is to be appointed to devise ways and means to carry into effect the decisions we take. How much increase is desirable is certainly a matter which cannot be left to the competence of the new Franchise Commission. From that point of view I think it is necessary to drop these words.

Chairman: It is very difficult to separate what is practicable and what is desirable. " Practicable " is an elastic word. It may be a very difficult thing to achieve or it may be a comparatively easy thing to achieve; but it may be possible of achievement and therefore you will say it is practicable. In considering the desirability, you can hardly shut out of your mind the extent to which the thing is practicable. The two must come in together to a certain extent.

Dr. Ambedkar : We have decided that in our opinion an extension which covers twenty-five per cent of the population is desirable.

Chairman: You use such an elastic word as " practicable ". That is the difficulty I feel. You cannot put the two words in completely watertight compartments. What is practicable must react on what is desirable, and you use a very elastic word. I think it would be wiser to keep both there. We give a clear view of our indication by saying at the very outset that we look forward to adult suffrage as an ideal.

Chairman: We had better take it line by line. Will anybody interrupt if they have an amendment to propose: " We recommend that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20,"—"then it is proposed to insert " or in some other suitable manner ". Is there any objection ?

—" for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them ".

" (Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar and Mr. Srinivasan regard these proposals as only ' second best ' and consider that the immediate introduction of adult suffrage is both practicable and desirable.) "

Dr. Ambedkar: I should like to say that Mr. K. T. Paul was also of the same opinion as ourselves.

Chairman: That will be noted.

Mr. Joshi: I propose that instead of the words " second best " the words " quite inadequate " should be substituted.

Chairman: That is really a matter for you gentlemen. If you prefer those words " quite inadequate " instead of the words " second best ", that is a matter for you really. So it will read: " Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan and Mr. K. T. Paul regard these proposals as quite inadequate and consider that the immediate introduction of adult suffrage is both practicable and desirable." *Mr. Jadhav:* My name also should be added to that list.

Chairman: A note will be made of that. Then it goes on : " Sir Cowasji Jehangir, P. C. Mitter, and Mr. Basu do not assent to the maximum or minimum we have suggested, but desire the discretion of the Franchise Commission to be entirely unfettered." Obviously that is a matter for them to say what they want.

Chairman: The minor communities are really protected, not so much by the number of voters as by the number of representatives they have, whether they have separate electorates or whether they have joint electorates with reservation. That is in the main their protection.

But in order to try to get a conclusion could not we say this, instead of using the words " each community "—Mr. Chintamani put it to me— " We desire that the Franchise Commission in making their proposal should bear in mind that the ideal system would as nearly as possible give the major communities a voting strength in proportion," and so on. I think that would do.

Sir C. Jehangir: " The two major communities."

Chairman: His point is, he does not want to confine himself to the major communities, but he wants to put it in this way that he is only recommending with regard to the major communities; the Minor communities are not the subject matter of the recommendation at all. Cannot you meet him on that ?

Sir C. Jehangir: It is too dangerous. When you talk about separate

electorate, we have no separate electorates and we do not want them.

Dr. Ambedkar: It means this, that in order to maintain the advantage of having a large existing electorate the suffrage should not be extended to the majority of the people. That is what it comes to, that in order that Sir Cowasji Jehangir should maintain the existing ratio of his population to the electoral strength the other people in the country should not be on the electoral strength.

Sir C. Jehangir: All I mean is that the smaller community should not be jeopardised.

Dr. Ambedkar: Your position is bound to be jeopardised in any lowering of the franchise, and if you feel that proportionately to the other voters your position goes down, then your safety lies either in trusting to the majority or in asking for separate electorates. But you cannot say: '• Because we will be thrown down, we will sink, therefore other communities should not be given it.' It comes to nothing else but that.

Sir C. Jehangir: I do not say that.

Chairman: I am afraid that we will have to take our conclusion. Bear in mind, if you will, that we are agreeing to adult suffrage as an ideal. We have passed that part of the report. I have suggested the words " would as nearly as possible give at least major communities ".

First of all I will put it to the Committee that the words should remain as they are " give, if possible, each community ". Who is against that?

A note will be taken that Sir Cowasji Jehangir, Colonel Gidney and Sardar Ujjal Singh dissent from the latter part.

Dr. Ambedkar: If you want to place it before the Franchise Committee we should still like to say that in our view the principle of adult suffrage should be applied to the Depressed Classes. *Chairman:* We have got that already.

Mr. Foot: Otherwise you would put an *addendum* to each paragraph.

Chairman: We cannot have that every time.

Mr. Jadhav: Brahmins and non-Brahmins and different communities in Bombay, Depressed Classes and all should be added.

Chairman: We cannot go into that. (Dr. Ambedkar insists for recording his dissent from para. 13.)

Mr. Foot: There is only one point. In view of the general objection based upon the claim for adult suffrage, need you have a note following each paragraph ? Would not there be a general note at the end embodying the objection taken by Mr. Joshi and his colleagues ?

Chairman: I think that would be better for you, I quite understand your position. *Dr. Ambedkar:* I leave it to you.

Chairman: If I may say so, I think it might make you appear to be in rather a false position if, for instance, you appeared to be objecting to the women's vote.

Dr. Ambedkar: We have very good ground for doing that. We are quite prepared, in our minds, and we can meet whatever objection may be raised on that ground. We have no theoretical objection to women.

Mr. Jadhav : The maximum of 25 per cent will be taken up by women, and then there will be no necessity of any other lowering of the franchise.

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COMMITTEE OF THE WHOLE CONFERENCE

Summary of the Report submitted by Sub-Committee No. VI (Franchise)—16th January 1931

(Some of the paragraphs related to Dr. Ambedkar's proposals) The Sub-Committee recommended *vide* :

Para. 4: (1) that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than 10 per cent of the total population and indeed a larger number—but not more than 25 per cent of the total population—if that should, on a full investigation, be found practicable and desirable,

(2) that in addition to providing for this increase, the commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20 or in some other suitable manner, for the election of one representative member from each group, who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them. (Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar, Mr. Srinivasan, Mr.K.T. Paul and Mr. Jadhav regards these proposals as quite inadequate and consider that the immediate introduction, of adult suffrage is both practicable and desirable.)

Para. 7: The Sub-Committee was of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise.

Para. 8: The Sub-Committee agreed that the existing Military Service qualification should be retained and recommended that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces.

Para. 9: The Sub-Committee agreed that special qualifications should be prescribed for women and recommended that the Franchise Commission

should devote special attention to this question in the light of all the evidence available including the recommendation of the Statutory Commission and the suggestion made in the Sub-Committee that the age-limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21.

(Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar and Mr. Srinivasan dissent from the proposals in paragraphs 7, 8 and 9.)

13. The Sub-Committee considered it inadvisable to lay down any programme of automatic extension of the franchise. It preferred that it should be left to each Provincial Legislature to extend its franchise at its discretion, after a lapse of 10 years from the date of the introduction of the new constitution.

(Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar and Mr. Srinivasan considered that a preference of automatic extension of the franchise should be laid down.)

[No comments by Dr. Ambedkar in the discussion. Comments in Committee of the Whole Conference (16th January 1931) on Report of Sub-Committee No. VI (Franchise) by Mr. N. M. Joshi.]

Mr. Joshi: I want to make one point clear, on paragraph 9. It is said that Mr. Joshi, Mr. Shiva Rao, Dr. Ambedkar and Mr. Srinivasan dissent from the proposals in paragraphs 7, 8 and 9. I want it to be noted that we are not against the claims of women for some kind of qualification being created for them. Unfortunately, we had to take up the attitude which we did in the Committee, on account of the fact that the Committee fixed a certain limit to the total number of voters, being created, and in these circumstances it became our duty to protect the interests of the unenfranchised because if we accept the principle of giving votes to the wives of those who are enfranchised, the limit of enfranchising those who had not the franchise is bound to be higher. On account of the special and difficult position in which we were placed we had to take up the attitude of not giving votes to the wives of those who are already enfranchised and thus depriving the unenfranchised of their rights. We are not against removing the disqualification of sex.

Chairman: Paragraph 9 noted.

Part II